

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA PLAINTIFF
VERSUS CIVIL ACTION NO. 3:16-CV-00489-CWR-JCG
THE HINDS COUNTY BOARD OF SUPERVISORS,
HINDS COUNTY SHERIFF, ET AL. DEFENDANTS

VIDEOCONFERENCE PROCEEDINGS
BEFORE THE HONORABLE CARLTON W. REEVES,
UNITED STATES DISTRICT COURT JUDGE,
APRIL 9, 2021,
JACKSON, MISSISSIPPI

(Appearances noted herein.)

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6 FOR THE DEFENDANTS:

7 CLAIRE BARKER, ESQ.
8 TONY R. GAYLOR, ESQ.
9 RAYFORD G. CHAMBERS, ESQ.

9 ALSO PRESENT:

10 ELIZABETH SIMPSON
11 DAVID PARRISH
12 JIM MOESER
13 RICHARD DUDLEY
14 SHERIFF LEE VANCE
15 UNDERSHERIFF ALAN WHITE
16 CHIEF DEPUTY ERIC WALL
17 WARDEN RICK FIELDER
18 ASSISTANT WARDEN CRANE
19 CAPTAIN BURNLEY
20 CAPTAIN JONES
21 SYNARUS GREEN
22 CREDELL M. CALHOUN
23 ROBERT GRAHAM
24 FERNANDEZ FRAZIER
25 DAVID ARCHIE
KENNY WAYNE JONES
ROBERT FARR
DAVID MARSH
GARY CHAMPION

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PROCEEDINGS VIA VIDEOCONFERENCE, APRIL 9, 2021

THE COURT: You may be seated.

4 Good afternoon. Can everyone hear me and see each
5 other, I guess? All right.

6 I know we're appearing via Zoom. The public has been
7 invited. There is a conference call line that they can be on
8 this call if they wish to be. I don't know if any is on the
9 call or anyone from the public is here, but it's open.

10 There is no one in the courtroom but the members of the
11 court staff and the court reporter, so I'll ask you when
12 you're speaking please make sure you're speaking at a pace at
13 which the court reporter can keep up with you.

14 This is the matter of United States versus Hinds
15 County, Civil Action No. 3:16-cv-489-CWR-JCG. Today we're
16 here for a status conference. It's a follow-up to the most
17 recent "site visit" which culminated in the monitor's filing
18 of her and her team's status report that was filed on
19 April 2nd, 2021, the 13th monitoring report.

20 As we've done in the past -- I guess first of all, for
21 the record, who is on the call for the United States?

22 MR. CHENG: Your Honor, this is Christopher Cheng,
23 C-h-e-n-g. I also have Laura Cowall, C-o-w-a-l-l; Sarah
24 Steege, S-t-e-e-g-e; Helen Vera, V-e-r-a; and from the U.S.
25 Attorney's Office, we also have today Angela Williams.

1 THE COURT: Okay. And I'll ask when you're not -- when
2 you're not speaking, just so we won't have any feedback at
3 all, please have your mike on mute. So mute -- I guess -- I
4 assume you can mute yourselves?

5 MS. SUMMERS: Yes.

6 THE COURT: Okay. So mute yourselves if you're not
7 speaking to reduce the possibility of any feedback.

8 Who's on for Hinds County?

9 MR. GAYLOR: Your Honor, on behalf of Hinds County, we
10 have board president Credell Calhoun; board attorney, Tony
11 Gaylor; county administrator, Kenny Wayne Jones; and we also
12 have construction managers David Marsh and Gary Champion here;
13 along -- we also have the executive director for Henley-Young,
14 Mr. Fernandez Frazier, who's joined us; and we should have
15 Supervisor Robert Graham (AUDIO GAP) as well, as well as
16 Supervisor (AUDIO GAP).

17 THE COURT: Okay. Your microphone is picking up some
18 of what you said, Mr. Gaylor, but you said you are there; the
19 county administrator, Kenny Wayne Jones; president of the
20 Board of Supervisors, Credell Calhoun; and you mentioned
21 somebody right after that before getting to Supervisor Graham,
22 who is supposed to be on. And I do know you said Fernandez
23 Frazier, but you said somebody else I think.

24 MR. GAYLOR: Yes. I mentioned the construction
25 managers, David Marsh and Gary Champion.

1 THE COURT: Construction managers?

2 MR. GAYLOR: Yes, Your Honor.

3 THE COURT: Did everyone get their names? I assume you
4 did. Okay. All right.

5 Did you, Twana, Ms. --

6 MS. SUMMERS: I did.

7 THE COURT: Okay. Thank you.

8 Who's on for the sheriff?

9 MS. BARKER: Good afternoon, Your Honor. This is
10 Claire Barker on behalf of the sheriff's office. In my office
11 with me, I have Sheriff Vance, Undersheriff White, Chief
12 Deputy Wall, I have Warden Fielder, Assistant Warden Crane,
13 Captain Burnley, and Captain Jones.

14 THE COURT: Did the court reporter get all those names?

15 THE REPORTER: Yes, sir.

16 THE COURT: Okay. Thank you.

17 Twana, did you?

18 MS. SUMMERS: Uh-huh.

19 THE COURT: All right. Okay. And for the monitors,
20 Ms. Simpson, you want to introduce your crew?

21 MS. SIMPSON: Yes. I'm Lisa Simpson, the monitor, and
22 my team is also on the call: Dave Parrish, the correction
23 operations expert; Dr. Richard Dudley, mental health expert;
24 and Jim Moeser, juvenile justice expert.

25 THE COURT: Okay. Thank you. I guess we will do what

1 we've done in the past. We'll allow the --

2 MR. GREEN: Your Honor?

3 THE COURT: Oh, I'm sorry?

4 MR. GREEN: This is Synarus Green. I just wanted to
5 acknowledge I was on as well.

6 THE COURT: Thank you, Mr. Green.

7 Anyone else from the County on? Has Mr. Graham arrived
8 yet?

9 MR. FARR: Your Honor, this is Robert Farr. I'm acting
10 as the consulting corrections architect for the County in
11 support of the construction managers.

12 THE COURT: You say Robert Farr?

13 MR. FARR: Robert Farr, yes, sir.

14 THE COURT: F-a-r-r?

15 MR. FARR: That's correct, sir.

16 THE COURT: Okay. You said architect construction
17 manager.

18 MR. FARR: I'm supporting the construction managers,
19 yes, sir.

20 THE COURT: Okay. Thank you, Mr. --

21 MR. GRAHAM: This is Supervisor Graham. I'm here.

22 THE COURT: Okay.

23 MR. CHAMBERS: And, Your Honor, Ray Chambers. I'm also
24 here.

25 THE COURT: Thank you, Mr. Chambers. And we've got

1 Mr. Graham.

2 Anyone else from the County or the sheriff's
3 department?

4 All right. Well, we will do what we've done in the
5 past, I think. We'll proceed as we've done in the past.

6 Ms. Simpson, we'll allow you to give your report in any
7 way you see fit, and whatever portion of it you give, that's
8 fine. Whatever portion you wish the members of your team
9 provide, that is fine, too, and then obviously you know I'll
10 have some questions at some point in time. The County may
11 have questions, but they'll get an opportunity to respond in
12 any way it sees fit, and we will go from there, I think.

13 MS. SIMPSON: Okay, Your Honor. I'm going to ask
14 Mr. Parrish to be -- oh, I hear an echo. Sorry. -- to go
15 first. I think the most pressing issues at the County are in
16 the area of corrections operations, the facility and the
17 staffing in particular.

18 The report was filed last week, and so it's fairly
19 up-to-date. I do update it as I'm completing it. You know, a
20 month has passed since the actual site visit. So I don't
21 think we'll go through it in great detail unless Your Honor
22 requests that.

23 But I'll start with Mr. Parrish on corrections
24 operations.

25 THE COURT: Okay. Thank you, Ms. Simpson.

1 Mr. Parrish?

2 MR. PARRISH: Good afternoon, Your Honor.

3 THE COURT: Good afternoon.

4 MR. PARRISH: Just for everybody's benefit, I'm getting
5 a tremendous amount of reverberation back. I hear, like, an
6 echo (AUDIO GAP) speaks.

7 THE COURT: Okay. Thank you. Hold on. Is everyone
8 else receiving an echo?

9 Okay. And everyone has --

10 UNIDENTIFIED MALE: Yes.

11 THE COURT: And everyone has their -- raise your hand
12 if you've got your speaker muted, your -- okay. Everybody's
13 muted, so hold on.

14 MS. WILLIAMS: Your Honor, this is Angela Williams. I
15 wondered if there were multiple people in the courtroom signed
16 into two different Zoom accounts who are near each other.
17 That can cause an echo.

18 THE COURT: No. Uh-huh. We have one. I'll try muting
19 myself while Mr. Parrish gives his report, and we'll see if
20 that helps.

21 MR. PARRISH: Thank you, Your Honor. When you speak,
22 it's clear as can be and I don't get the reverberation, but I
23 do when anybody else speaks. And I'm still hearing it now, so
24 I'll leave you (AUDIO GAP) --

25 THE COURT: Hold on for a second. Hold on. Hold on.

1 Okay. At this point the only mike that is on is mine,
2 apparently. Mr. Parrish, are you hearing any feedback?

3 MR. PARRISH: No, sir.

4 THE COURT: Okay. Now, speaking -- and please,
5 participants, tell me if you hear any feedback when
6 Mr. Parrish is speaking. Mr. Parrish is not speaking now, I
7 know, but, Mr. Parrish, say your name. Give us -- say your
8 name and whatever else you want to say to see if there's any
9 feedback.

10 MR. PARRISH: I'm not getting the reverberation back
11 now. I heard it from myself earlier, so it appears to be
12 corrected.

13 THE COURT: Okay. You may proceed, then.

14 MR. PARRISH: Thank you, sir.

15 Dealing with corrections operations, the three major
16 problems that we see are critical shortage of staff, serious
17 maintenance issues, and dangerous and unsanitary living
18 conditions at the Raymond Detention Center, particularly in
19 Alpha Pod.

20 The good news: The average daily population has
21 hovered around 450. Back about ten years ago, there were a
22 thousand people in the Hinds County jail system, so that
23 number has come down significantly, and it's made it possible
24 for them to deal with the problems that we have today.

25 Other thing is you can look at this from two sides.

1 The Jackson Detention Center has been closed for about a year
2 due to HVAC and plumbing problems. Now, that's a problem, but
3 the good news is the side benefit of the County's inability to
4 maintain that facility is that it's closed, something that
5 we'd recommended quite some time ago, and that really works to
6 the County's benefit.

7 Now only the ground floor of the Jackson Detention
8 Center is operational. Monday through Friday it serves as a
9 transfer waiting area in support of the courts, but it's not
10 housing inmates in the upper floors.

11 So this has allowed most of the JDC staff to be
12 transferred to the work center, which has helped out that
13 facility tremendously. As a matter of fact, the work center
14 is now staffed above what is actually required, so this has
15 allowed the jail administrator to issue a memo, which he did
16 on March the 23rd, which requires the daily transfer of excess
17 officers at the work center to the Raymond Detention Center to
18 help fill vacant posts there. So this is now being done on a
19 shift-by-shift basis. If they have more officers report for
20 duty than are required to fill the necessary posts, the
21 surplus go to the Raymond Detention Center and help fill holes
22 there.

23 When C-Pod was reopened on October the 22nd, it was
24 supposed to operate under the principles of direct
25 supervision, but that's not what really happened. Officers

1 were not given written directions regarding their duties and
2 responsibilities under direct supervision.

3 So I've spent quite a bit of time working with the jail
4 administrator over the past three months trying to develop
5 something that he could issue giving direction to them, and
6 the good news again is on April the 6th, just a few days ago,
7 he did issue a memo which lays out the duties and
8 responsibilities of officers who are working not only in C-Pod
9 but in other areas throughout the jail. So it's not a policy
10 that's been adopted, but at least it's a working document that
11 staff can fall back on telling them what they can and cannot
12 do, what's expected of them.

13 In Alpha Pod at the Raymond Detention Center, the
14 shortage of staff still allows inmates to "escape" through the
15 roof in order to pick up contraband, drugs, cellphones,
16 *et cetera*, and bring them back into the jail. Raymond
17 Detention Center is the only jail I've ever seen -- and I've
18 been through hundreds -- it's the only one I've ever seen
19 where the inmates break out only to pick up contraband in
20 order to take it into the facility, not to actually escape to
21 freedom.

22 I go back to 2014 in working with this system before we
23 even started the monitoring process. My initial report was
24 used to help develop that, and during that time I'm only aware
25 of two people who actually physically escaped and broke away

1 from the facility, and that was solely because their buddies
2 on the outside did not drop off the contraband. They realized
3 if they went back inside and didn't bring the stuff with them,
4 they were in real trouble, so they skedaddled and ran down the
5 road. It's just a very, very unusual situation.

6 In Bravo Pod, CML has completed its work on security
7 doors, but, contrary to what we've been told, the major
8 maintenance issues were not completed. They may have been
9 scheduled to, but they were not completed by the end of March.
10 In fact I'm of the opinion it's going to be many months before
11 plumbing, electrical, fire safety, and HVAC issues are
12 resolved. That's not going to happen overnight.

13 In an effort to break the deadlock between the County
14 and the sheriff's office regarding facility maintenance, we
15 made a recommendation in this last report that the County
16 should put a line item in the sheriff's annual budget to cover
17 routine maintenance repairs. I've just never run into this
18 where, even to get a fire extinguisher recharged, a work order
19 has to go to the County to be approved so the work can be
20 done.

21 In most major jurisdictions the sheriff's office, if
22 they're running a jail, has a line item that covers
23 maintenance for the facilities. If it's a major thing, such
24 as putting a new roof on, putting in a new air conditioning
25 system, well, then that gets plugged into the next year's

1 budget request and that goes before the Board of Supervisors
2 for approval, but day-to-day things get taken care of by the
3 people who actually have to live with the problems, the people
4 that are in the jail system and the staff who work there. And
5 that's something that Hinds County seriously needs to look at.

6 In Alpha Pod at the Raymond Detention Center,
7 sanitation, fire safety, and security are still totally
8 unsatisfactory. Even the lighting system does not function
9 properly, and the inmates are routinely left in the dark, both
10 in their cells and in the dayroom area. Finally, some cells
11 in the housing units in Alpha Pod are welded shut because of
12 prior security breaches. Those cells now literally serve as
13 trash dumpsters within the housing units because inmates place
14 their trash there and staff have no way -- no ability to empty
15 and clean them because the doors are welded shut. This has
16 been ongoing for a long, long time.

17 So in summary, some progress is being made. I'm really
18 pleased to see the direction that was given for the duties and
19 responsibilities of officers working in the jail system and
20 particularly for the utilization of surplus staff at the work
21 center to help in the place that has the most problems, the
22 Raymond Detention Center. So some progress is being made, but
23 we still have some very serious issues that need to be
24 addressed.

25 That's all I have, Your Honor.

1 THE COURT: Thank you, Mr. Parrish.

2 MS. SIMPSON: Your Honor, I will cover some of the
3 administrative areas. Obviously, the condition of the
4 facility and the understaffing are the probably most troubling
5 issues and most challenging issues, so I will keep my report
6 somewhat brief and allow the focus to be on those issues.

7 Probably the most important administrative area is the
8 development of policies and procedures, again, there's been
9 some progress. At the time of the monitoring report, we
10 reported that 28 policies have been approved by DOJ and
11 adopted. Since that report went in last week, we have another
12 policy that's been approved on an interim basis and a policy
13 that it looks like will be approved by DOJ within a few days.
14 So that brings it up to 30 policies.

15 I should say that the sheriff's office has decided to
16 take a different approach to the development of the policies.
17 I have brought Karen Albert on to my team to facilitate the
18 development of policies and procedures. That's been a slow
19 process. I think there's difference of opinion as to why it's
20 been slow, but it has been slow.

21 The County has decided to -- or I should say the
22 sheriff's office has decided to develop the policies in-house,
23 and we received the first two policies prepared in that manner
24 last week, I believe, and I would say there's going to be a
25 learning curve there. Hopefully that will improve, but at

1 least one of the policies that was developed totally in-house
2 is pretty rough, so we'll have to see how that new process
3 develops.

4 And as mentioned in the monitoring report, we do have
5 concerns about whether the policies that have been adopted are
6 actually being implemented. We gave some examples in the
7 report. There were several use-of-force incidents that were
8 reported in the incident reports, did go through internal
9 affairs, and the officers were exonerated where those
10 use-of-force incidents appeared to be contrary to policy.

11 Another example is that the classification policies
12 require review by the classification committee of placement in
13 administrative segregation. There is no such review taking
14 place, and classification reports that they typically don't
15 know why somebody is in administrative segregation.

16 So there are concerns as to whether the adopted
17 policies are actually being implemented. No doubt training on
18 those policies is hampered by COVID, and that's
19 understandable. But it appears that the supervisors are
20 not -- either not familiar with the adopted policies or not
21 requiring adherence to them.

22 The grievance system --

23 THE COURT: Let me ask you this question. I'm sorry to
24 interfere with the -- why do you say COVID has interfered with
25 training when we can meet as we are right now? If it's going

1 over a policy, if it's educating people how to do things based
2 on a policy, how does COVID impact the ability of persons to
3 give that type of instruction? You know, is it hand-to-hand
4 combat instruction? What is it? Because if it's instruction
5 that can be given by video, people here, the Marshals Service
6 and whatever, receive training by video, audio, and all kinds
7 of things in the era of COVID. Why can't the sheriff's office
8 do the same?

9 MS. SIMPSON: I think the sheriff's office probably can
10 better answer that.

11 THE COURT: Okay.

12 MS. BARKER: Your Honor --

13 THE COURT: I'll give you an opportunity to answer it.
14 Just put a pin in it, then. Since the monitor can't answer
15 it, I'll look to you to answer it, Ms. Baker.

16 All right. Go ahead.

17 MS. SIMPSON: Okay. In the area of grievances, the
18 grievance coordinator continues to track grievances and
19 oversee response. She's doing a very good job. However,
20 there is an issue of either grievances not being responded to
21 at all or the responding individual is not putting it in the
22 secure system. So -- and the grievance coordinator was out a
23 good part of the period leading up to the site visit, and so
24 that could be part of the issue as to why we saw a number of
25 problems there.

1 But just as an example, in January the system indicated
2 that 120 grievances had been filed. Thirty-three of them had
3 no response, and four of them were late responses, and then an
4 additional 12 were filed as emergency grievances and were late
5 with respect to the time limit for emergency grievances. So
6 there does appear to be a problem with getting the responses
7 either at all or into the system. She's now back on the job,
8 and hopefully we'll see improvement by the time of the next
9 site visit.

10 Records has improved dramatically since we started the
11 monitoring. The -- in the beginning when we started, there
12 were a lot of people that were in the system as in custody and
13 they weren't in custody, and there were a number of people
14 that should have been released that hadn't been released.
15 We've seen much less of that now, so they're tracking the
16 individuals much, much better. And, again, that was an area
17 where they weren't actually in compliance with the policies
18 that had been adopted with respect to the organization of the
19 files, and we're starting to see that that's happening as well
20 as the appropriate number of audits are now taking place. So
21 that was -- that's continuing to see improvement in that area.

22 Classification. The classification does now appear to
23 be based on an objective classification tool. That had been a
24 problem in the past where they were using the tool but then
25 they were routinely overriding it based on charge alone, and

1 now they do appear to be relying on the objective
2 classification tool for classification.

3 I did mention earlier that there is an issue about the
4 review of administrative segregation, and that, to my
5 knowledge, hasn't been addressed yet.

6 And in the area of pretrial, we've been told that the
7 County is applying to be a learning site with advanced
8 pretrial -- sorry, I'm forgetting that name, but that
9 application to be a learning site is due May 28th, and we're
10 told that the County is going to do that.

11 There's no guarantee that they will be accepted as a
12 learning site. And as mentioned in the monitoring report, the
13 stipulated order required the County to bring in a consultant
14 to assist with the development of a pretrial program, and that
15 is long overdue.

16 So that covers most of the administrative areas.
17 There's obviously a lot more detail in the report, and we can
18 discuss any of those items that you would like.

19 THE COURT: Okay. I need to go back and ask
20 Mr. Parrish a question, and obviously any question that I ask
21 any of the monitors, DOJ can, you know, in its follow-up
22 respond in any way it wishes, and so can the County and the
23 sheriff's department.

24 And I apologize. I called you "Ms. Baker," Ms. Barker,
25 and I apologize for that.

1 But let me -- Mr. Parrish, there was something in your
2 report -- there's a lot of stuff in your report that stands
3 out to me, but one of the things that I saw, fire safety
4 continues to be a life-threatening issue, and this deals with
5 the sprinkler system, I guess, the alarm system, and it's
6 inoperable.

7 Is it inoperable at every center at RDC and the worker
8 center or just one -- or is it inoperable in a particular pod
9 and not the other? Tell me about that life-threatening issue,
10 Mr. Parrish.

11 MR. PARRISH: Yes, sir. At the work center they have
12 an alarm system and a sprinkler system, but for the past year
13 the sprinkler system has been nonfunctioning because of a
14 problem with a pump, and it's repaired and breaks down and
15 then is just left that way. So you've got no sprinkler system
16 at the work center for the facility.

17 At the Raymond Detention Center, I wish I had been here
18 in 2011-2012 to look at it myself, because I've gotten so many
19 stories from people as to what really happened. But my
20 understanding is that there was a sprinkler system throughout
21 the Raymond Detention Center, that during the riot of 2012,
22 the inmates tore everything up so badly and did so much damage
23 by breaking the sprinkler system that it was removed.

24 There are still sprinkler heads in the kitchen, in the
25 laundry, and the property room -- no, kitchen, laundry,

1 medical. They don't function, but there are still sprinkler
2 heads there. We don't see sprinkler heads throughout anywhere
3 else. I guess they were just all taken out. At least that's
4 the explanation that I've gotten.

5 Over the years I just kind of scratched my head and
6 couldn't understand why the state fire marshal had not held
7 somebody's feet to the fire -- poor choice of words, excuse
8 me. -- had not held them accountable to get things repaired
9 and was told that the -- since there was no requirement for a
10 sprinkler system in 1995 when the Raymond Detention Center was
11 built, that after it was torn out, they didn't have to put it
12 back in.

13 I just found that kind of incredible and tried to get
14 together with the state fire marshal and wanted a
15 representative to go through the facility with us. That never
16 worked.

17 Finally, through the Department of Justice, they
18 contacted the people in the Insurance Department for the
19 State, and about two weeks ago I was finally put in contact
20 with deputy fire marshal for the State Fire Marshal's Service.
21 I talked with him at length and laid out all of my concerns.
22 He finally said, Why don't you document that and send it to
23 me, which I did.

24 Two weeks later I still didn't have a response, so
25 yesterday I sent him a note saying, Did you ever get a chance

1 to look at this? We need to try and drill down on some of
2 these problems. And he sent me a message this morning saying
3 he for some reason had not received my initial e-mail, but he
4 was going to look into it and would try to get back to me
5 ASAP.

6 So that's where I stand with the State Fire Marshal's
7 Office, but it's pretty incredible to have a major jail that
8 doesn't have fire suppression equipment in place like that,
9 and it's a dangerous thing. There's really no excuse if
10 somebody dies or is injured as a result of a fire after all of
11 this.

12 THE COURT: Okay. In responding to that issue, and
13 again, I'm trying to continue to go in order and to have this
14 as orderly as possible. But one of the questions that I will
15 have for the County and/or the sheriff is with respect to this
16 fire system: When was the last time the State came out and
17 did an assessment? Because I know private businesses each
18 year in the city of Jackson, at least, the fire department
19 comes around and do an inspection to make sure you have your
20 fire extinguishers and things like that in place. And they
21 certify whether or not, you know, your fire extinguisher is in
22 the right place, whether it's operating.

23 I want to know when's the last time the state fire
24 marshal has inspected the facility. I want to know what
25 grade -- what the findings were. I also would want to know --

1 this is an issue that I have heard since I inherited this case
2 two years ago, and it still appears to not have been
3 addressed. If this is a life-threatening matter, and you've
4 got several life-threatening matters, as I realize, how is the
5 County or the sheriff's department prioritizing what is or is
6 not going to get done?

7 As I said two years ago, the worst thing that can
8 happen is that you wake up and you find out that a bunch of
9 people die in that facility because of something like this or
10 something else, and I don't want to have any blood on my
11 hands. And I've given the County and the department every
12 opportunity to fix that one thing, and I appreciate DOJ
13 contacting the fire marshal. But we need to make sure there's
14 a plan in place to make sure that the fire marshal is doing
15 his job, and that's the State -- that's the commissioner of
16 insurance, I think, in Mississippi. The state fire marshal is
17 the commissioner of insurance, and we need to make sure. For
18 all we know, it may be prisons all throughout the state of
19 Mississippi without the ability to put out fires, and we
20 cannot neglect those people who are in these facilities.

21 And, again, the underlying thing with respect to these
22 detention centers is that these are supposed to be all
23 pretrial detainees, people who are shrouded with the
24 presumption of innocence, and for some reason they're being
25 housed because they cannot make bail or bond or for some other

1 reason. They haven't been to trial yet, so these, by and
2 large, are people who are innocent as you and I are.

3 So I'll just leave that right there, and I'm sure the
4 County and the sheriff will respond.

5 Let me turn to some other points that I wanted to raise
6 with you, Mr. Parrish and Ms. Simpson, with respect to
7 facilities, because I've gone through the report and I've read
8 it, and I have, you know, some questions. Again, I'm asking
9 you, and, again, DOJ will have an opportunity to respond, and
10 obviously the County and sheriff is on notice some of the
11 questions that I have.

12 There was -- in your report summary, Mr. Parrish, you
13 indicated about the staffing at the Raymond Detention Center
14 and the worker center. Your summary suggests that the worker
15 center is probably overstaffed, that there are more than
16 sufficient number of employees for staffing, but RDC is
17 understaffed.

18 Now, what is so peculiar between the two facilities
19 that people cannot swap out and work -- you know, the big gap
20 that you have in between the overstaffing and the
21 understaffing, what's going on there, Mr. Parrish, from your
22 perspective as a person who's, you know, reviewing this matter
23 from a correctional point of view?

24 MR. PARRISH: Your Honor, I think some of it goes back
25 to the history of this jail system. When we started, the

1 three jails were three independent jails. It was not a
2 system. That's what was in place when I first came and looked
3 at it in 2014. There was a jail administrator in name only in
4 charge of all the facilities, but she didn't run anything
5 except the Raymond Detention Center. The Jackson Detention
6 Center was totally on its own. The captain there did
7 everything on his own. At the work center it was exactly the
8 same. It was three silos. It was not a system. Nobody
9 transferred between facilities.

10 They finally put them all together and made a jail
11 system out of it, but we still have this long history of
12 independent thinking to overcome. And so one of the issues
13 that has been raised many times when we have talked about
14 equitably distributing the work force, so everybody suffers to
15 the same level as opposed to letting one jail bear most of the
16 brunt, was if we reassign those people from the Jackson
17 Detention Center downtown out to Raymond, they'll quit, and
18 that won't do us any good at all.

19 Well, when we finally closed -- or when the County
20 finally closed the Raymond Detention -- excuse me, the Jackson
21 Detention Center because of maintenance issues, that was
22 something we had recommended before, to consolidate staff into
23 just two facilities instead of spreading out over three. That
24 made it possible for that to happen, but we still had the same
25 issue: I don't want to work at the Raymond Detention Center;

1 the work center's not as bad.

2 To overcome that, I think that what the jail
3 administrator has put in place is a "let's eat the elephant
4 one bite at a time" approach, which makes sense because
5 there's a long history of doing things differently to
6 overcome, and if they just -- I think the fear was that if
7 they just arbitrarily assigned people to Raymond permanently
8 there, that they would bail out and then they'd be sitting on
9 even more vacancies.

10 At least they're moving in the right direction so that
11 people can get used to it, and by making the Raymond Detention
12 Center truly function under the principles and dynamics of
13 direct supervision again, they will find that it's a safe
14 place to work, it can be a clean place to work, and so forth.
15 It's not yet, but it's getting there. And once that is
16 accepted by staff, they're not going to have this reluctance
17 to work in that facility.

18 THE COURT: I presume -- oh, I'm sorry.

19 I presume since JDC has been shut down, all women other
20 than the juvenile -- all women are being housed at the worker
21 center?

22 MR. PARRISH: Yes, sir. One of the four housing units,
23 Housing Unit 2, I think was turned over to female housing; and
24 then there are two five-cell lockdown modules for people who
25 have to be separated for one reason or another, whether it's

1 disciplinary or administrative; and then one of them takes
2 care of female inmates who have issues and can't stay in the
3 direct supervision housing area.

4 But the fact that it works as well as it does is proof
5 positive that direct supervision works. And one of the things
6 that has helped is when they went truly to direct supervision
7 last year, when we put those cameras on the doors, to the fire
8 escape doors in the housing units at the work center, and the
9 alarm, we told them, Now you can take it from two officers
10 down to just one. That saved a lot of staff.

11 Then with the additional staff that came from the
12 Raymond Center, that's why work center -- excuse me, they came
13 from the Jackson Center, that's why work center actually is
14 sitting on a surplus of staff right now. There was a savings
15 by having only one officer work in a housing unit when there
16 use to be two, that's not necessary, and then bringing the new
17 people in.

18 So they're in better shape and -- well, it's just --
19 they're working through the rough edges of getting staff to
20 accept the fact that a jail is a jail and you don't get to
21 pick and choose which one you work in.

22 THE COURT: And no males, I presume, are housed at the
23 worker center; is that correct?

24 MR. PARRISH: Males are in three of the housing units.
25 Females are in one house unit.

1 THE COURT: Okay.

2 MR. PARRISH: So three-quarters of the jail is males;
3 one-quarter is females. There are no females housed at the
4 Raymond Detention Center. That's all males.

5 THE COURT: Okay. Is the worker center still designed
6 like a -- I guess when I was over there 18 months ago or so --
7 dormitory style -- it was an open area where all of the
8 inmates -- or many of the inmates -- as I recall, there was
9 open bedding and everything out, like, open, unlike the pods
10 at the RDC.

11 MR. PARRISH: Yes, sir, that's correct. There are no
12 lockdown cells in the housing units at the work center.
13 They're four 64-bed dormitories that have dayroom space in it
14 and then bunks. If somebody acts out, then they have to be
15 taken out of the housing unit and placed in one of those two
16 five-single-cell lockdown units.

17 THE COURT: And do we know how many women we have over
18 there?

19 MR. PARRISH: I can't tell you the count today, but it
20 was in the neighborhood of 28 to 30 the last time I looked.

21 THE COURT: Okay. Let's go back to the RDC and the
22 A-Pod and the B-Pod and what is currently closed, what is
23 permanently closed, I guess, what will or will not be
24 reopened. As I appreciate it, Pod C has been fixed. It's
25 repaired; it's good to go.

1 MR. PARRISH: Charlie Pod was repaired. The doors were
2 fixed. The glass in the cell doors is not adequate, and
3 inmates have been breaking them out right and left. So that
4 has to be retrofitted. Although Charlie Pod is the best in
5 the Raymond Detention Center, it still has tremendous plumbing
6 problems and so forth. If you look at the work orders for the
7 past month of March, half of everything came from Charlie Pod.
8 You wouldn't think that with a place that has just been
9 renovated.

10 Bravo Pod is closed at the present time. CML came in
11 and repaired the security doors, made them swinging instead of
12 sliding. The County now has to repair cameras, lighting,
13 plumbing, electrical, you name it. That's not going to happen
14 overnight.

15 Alpha Pod has not been retrofitted. There were some
16 doors in the central part around the control room and into the
17 housing units that were changed to swinging. But that was on
18 demonstration first to show that it worked, and then it was
19 done in the two other pods.

20 There is no plan at this time for the County to repair
21 Alpha Pod. What we have been told is that once Bravo is
22 reopened, Bravo and Charlie will function, and Alpha will not
23 be repaired. I think what we've said in our report is that if
24 it ever becomes necessary for the County to reopen Alpha,
25 they're going to have to put it in the same shape as Charlie

1 and Bravo.

2 THE COURT: Has the County given you, Mr. Parrish, an
3 estimate as to when they intend for the B-Pod to be -- for the
4 Bravo Pod to be reopened?

5 MR. PARRISH: Depends upon who I talk to. The people
6 that handle maintenance within -- like the work orders, the
7 chief safety and security officer who deals with all of that,
8 the jail administrator who looks at it routinely know that
9 it's going to be many months down the road. The contention
10 that we had at our last status hearing was that it would be
11 ready by the end of March. That time has long since gone
12 past, and based on the experience that we had in Charlie, I'm
13 quite positive it's going to be a number of months down the
14 road.

15 THE COURT: But the A-Pod is inhabited by individuals?

16 MR. PARRISH: Yes, sir.

17 THE COURT: And the A-Pod does not -- I don't know --
18 according to your summary, the A-Pod is one where you believe
19 it's unsafe and unsanitary in part because inadequate or no
20 lighting; is that correct?

21 MR. PARRISH: Yes, sir.

22 THE COURT: You said -- your report says inmates live
23 in darkness. Now, is that an overstatement or -- I'm trying
24 to see how we can monitor a prison at nightfall, not
25 necessarily daylight but at nightfall, if there are no lights.

1 I'm just trying to -- and, of course, I'm going to give the
2 County and the sheriff an opportunity to respond, because if
3 they're doing it, they obviously can control it.

4 So tell me, Mr. Parrish, is this an overstatement?

5 MR. PARRISH: First of all, there are windows into each
6 cell from the outside where natural light could come in. But
7 they are quite heavily covered with steel mesh and everything
8 else, and so very, very little light can come in through those
9 windows. There are no other windows that open to the dayroom
10 area of the housing units.

11 The lights in the individual cells by and large do not
12 work because the inmates have torn them up. They've used them
13 to try and hook in chargers for their telephones and things
14 like that. They tear up the light fixtures, and so they're
15 not functioning.

16 In the dayroom area, the light fixtures are more
17 difficult to get to, but the housing unit has electrical
18 problems, and lights often do not work. They've been
19 repaired; then it goes out again. It depends upon when you
20 walk in whether something is working or not. It's not
21 pitch-black where you can't see in front of your face, but I
22 guarantee you it's not 20 footcandles when measured 30 inches
23 off the floor, which is a kind of nationally recognized
24 standard for what lighting should be in a jail.

25 THE COURT: Let me ask you another point about the

1 summary of your report. You indicated -- I think it's in
2 Pod A -- that -- or one of the pods, at least, that some of
3 the doors have been welded shut, and I think we got the
4 initial report on it being welded shut some time ago when
5 there was no locking mechanism for the doors, I guess. But
6 you also indicated that the inmates are using those cell areas
7 as a dumping ground, basically, use them as garbage dumpsters,
8 I think is what the report says. I mean, what does that do
9 with respect to the sanitary conditions over there in that
10 particular pod?

11 MR. PARRISH: Well, sir, in Charlie Pod we don't have
12 that problem anymore, because the locks function. And if
13 something is broken inside a cell, you can lock the cell door
14 shut, and the cell is taken off-line until such time as it can
15 be repaired.

16 In Alpha Pod that's not the case. Locks don't
17 function, so they can't close the door and keep inmates out
18 from a cell where other inmates may have broken out through a
19 pipe chase or gone up through the ceiling or something like
20 that or destroyed plumbing. And so the County's solution
21 there has been to come in and weld the doors shut.

22 This is not something new. This has been going on for
23 years and years, and the doors that went to the rec yards were
24 welded shut at one point. Doors to the officers' restroom,
25 when the officers were pulled out, the doors to the restroom

1 that the officers used to use was welded shut. Doors
2 everywhere have been welded shut. That's the answer to the
3 problem rather than fixing the problem.

4 And, unfortunately, then inmates go and dump stuff
5 through the broken window and that welded-shut cell turns into
6 a jail dumpster cell. And when I say this is unsanitary,
7 you've got problems with vermin and everything else. This
8 needs to be cleaned out, and the answer is we can't get in
9 there because it's welded shut.

10 THE COURT: And I think this --

11 MR. PARRISH: So this is an unsatisfactory solution to
12 a big problem.

13 THE COURT: I think this might be the last question I
14 have for you at this particular point, Mr. Parrish, but I'm
15 looking at the report. Page 4 of the report says that the
16 County reports that since the time of the most recent site
17 visit, I guess, it has invested a substantial amount of time
18 and money in repairing the detention facilities to comply with
19 the consent decree. It reports that it has repaired the
20 lighting in Pod A where the detainees were living in the dark
21 for protracted periods of time. These repairs have reportedly
22 been made while putting the majority of effort into repairing
23 Pod B so as to house the detainees presently residing in
24 Pod A. The County reports that it has repaired doors,
25 installed fixtures for plumbing and fire protection, and

1 painted the pod.

2 Now, I know the monitors have not had an opportunity to
3 physically inspect that, but you indicated, Mr. Parrish, that
4 you've at least seen some invoices and stuff where repairs
5 were requested, at least, to particular areas. But it seems
6 to me that that response does not fit well with what you've
7 reported on the other side of the page, the side of the page
8 of the questions that I've been asking about, what the pod at
9 least looked like then. But I guess the County has told you
10 that they have sort of, I guess, addressed at least some of
11 the -- I'm going to hear from them. But I guess they told you
12 that they've in part addressed at least a lot of your
13 concerns.

14 MS. SIMPSON: Your Honor, if I could respond to that
15 one.

16 When I do the report, I send it to both DOJ and the
17 County and the sheriff's office and request that they provide
18 me any updates before I finalize it and have it filed.
19 Several days -- in fact, I think it might have just been the
20 day before I finalized the report, I received that information
21 from the county attorney.

22 We obviously did not have -- excuse me -- an
23 opportunity to confirm that even with the on-site staff, and
24 that is why I included it in the summary as the county
25 reports, because I have no knowledge -- no ability to confirm

1 that or didn't prior to filing the report. So what's included
2 in the report is the information that I received, and as I
3 said, that's why I put it in as "the County reports."

4 MR. PARRISH: And, Your Honor, we need to make sure
5 we're not mixing up Alpha and Bravo. The County is putting a
6 lot of money and time and effort into repairing Bravo. We
7 don't see work orders on that, because that's a separate thing
8 that's being done while that pod is shut down to be renovated.

9 We do see work orders that come in for Alpha or
10 Charlie. So there are terrible problems in Alpha, and the
11 sooner they can get the inmates moved out of there, the
12 better. But the County is making strides in trying to get
13 Bravo ready for occupancy.

14 My point is that it's not going to happen this week or
15 next week. It's going to be a little ways down the road.

16 THE COURT: Okay. Thank you.

17 Ms. Simpson, with respect to the portion of the report
18 that you've been -- that you mentioned in your area, the big
19 question that I have, that I've had for months now, these
20 policies and procedures. Now, you say that they might be
21 creating policies and getting some policies out, but policies
22 from my perspective -- and, again, I'm going to give the
23 County every opportunity to respond.

24 From my perspective, it makes no difference about
25 having a policy if you're not going to implement it, and I

1 think part of what you've addressed at page -- again, page 4
2 of your report, an area of major concern, according to the
3 monitor, is that as policies have been adopted, there appears
4 to be little commitment to actually implementing those
5 policies. Now -- and you indicated that right now you believe
6 that there are at least 38 policies that have been, I guess,
7 adopted by the sheriff on a bunch of different things. I
8 think you said the number 38.

9 MS. SIMPSON: Twenty-eight, Your Honor.

10 THE COURT: Oh, okay. Oh, 28. I'm sorry. You said
11 the number 28, then. So how many more policies do you expect
12 ought to be implemented?

13 MS. SIMPSON: I have to get to that part of the report,
14 but I believe the table of contents identified 94 policies to
15 be adopted, and 48 of those were identified as priority
16 policies.

17 THE COURT: So over the course of the -- so over the
18 course of the period of time that this -- I realize the
19 parties entered a stipulated agreement to put off the hearing
20 on the contempt matter, and that was about 14 months ago. I
21 think the case was supposed to go to trial around Christmas of
22 2019, I think, December, January of 2019, but the parties
23 worked out an agreement.

24 And, again, to put everything in context, worked out an
25 agreement, there had been an election of new board members,

1 and so it was time to turn the page and get it all done. But
2 even prior to December 2019, many of the agreed -- and DOJ
3 will have an opportunity to respond as well. The policies and
4 the procedures that they agreed to, many of those were an
5 issue since this whole consent decree was in place; is that a
6 fair statement, Ms. Simpson? Some, none, all?

7 MS. SIMPSON: So when the monitoring started, it's my
8 understanding that there were no policies and procedures.
9 Then a draft set was prepared I believe within the year after
10 monitoring started, and it -- it was not going to receive DOJ
11 approval. It was lacking.

12 And so then there was an effort on the part of the
13 County to contract with some individuals or entities to assist
14 them with the development of policies and procedures; that did
15 not move forward. And so at that point, I brought Ms. Albert
16 on to the team to help facilitate the development of policies
17 and procedures.

18 THE COURT: Right. And Ms. --

19 MS. SIMPSON: And --

20 THE COURT: I'm sorry. And Ms. Albert had been made
21 available as a fixture in this thing for months, but you're
22 saying -- as I recall, Ms. Albert was "loaned over to the
23 County" for the purposes of helping with these policies and
24 procedures, and I think what I heard you say today is that the
25 sheriff's department has decided that it would take a

1 different approach and work on drafting its procedures
2 without -- I guess without Ms. Albert's assistance.

3 Did the County tell you why it was ready to go that
4 route?

5 MS. SIMPSON: So the process that Ms. Albert used was
6 to facilitate the development of policies and procedures and
7 not to actually write them herself, although she did a
8 significant amount of writing, prepared -- provided sort of
9 templates and worked through the development. It did require
10 the jail staff to participate and to do some of the writing.
11 And it's our impression that that's what slowed down the
12 process, and so it was not progressing at a pace that any of
13 us wanted to see.

14 And so I understand that that's why the sheriff's
15 office has decided to put one person in charge of preparing
16 the policies, and as I understand it, they're borrowing from
17 one of the other counties. And as I mentioned, we've just
18 received the policy -- draft policy that has been prepared in
19 that fashion. Like I said, I think there's a learning curve,
20 and that policy was pretty rough, but hopefully with time
21 there will be improvement in what they prepare in-house.

22 THE COURT: Ms. Simpson, do you know how many policies
23 were completed 60 days ago when we last met?

24 MS. SIMPSON: I believe at that time 24 is what I'm
25 thinking, and as I mentioned, there are 28 that have been

1 approved and adopted now. But there are two additional
2 policies that I think are being approved this week, so we're
3 up to 30.

4 THE COURT: So the best assessment of that: 60 days,
5 six policies. I mean -- and I realize two of the six have not
6 even been approved yet.

7 MS. SIMPSON: Well, one of them has been approved. And
8 the other one, DOJ and I have worked through the comments, and
9 it's being finalized.

10 THE COURT: I failed to ask Mr. Parrish this. I'm
11 trying to ask you all the questions I need to ask in the
12 segments in which you report.

13 Mr. Parrish, those welded doors, back to the welded
14 doors, how, if at all -- it may not, because I think you said
15 these doors are welded in the A-Pod, I guess, I think. I
16 think that's where you said they're welded shut. Does that in
17 any way affect or cause any type of a fire safety issue?

18 MR. PARRISH: Depending upon what doors are welded
19 shut. The doors I'm talking about, no. Going into an
20 individual cell, there's nobody in it; it's not an exit door;
21 it's not a problem other than the collection of trash.

22 When the doors to the rec yards were welded shut, yes,
23 that was a fire safety issue. They have been -- the welds
24 have been broken on those doors, though, so that's not the
25 case.

1 THE COURT: With respect to the supervision of the
2 inmates, I believe it's at page 4 of the report that talks
3 about incident reports reflecting direct supervision of the
4 housing units, the confinement unit, and even the suicide
5 watch unit being left unattended. Is that a supervision
6 issue? Is that a policy and procedure issue? Is that a
7 safety issue? I'm just trying to find out. It was important
8 enough for you-all to note it.

9 What type of -- what are your concerns with respect to
10 that, Mr. Parrish?

11 MR. PARRISH: From my perspective, that's a total
12 breakdown of supervision. When Charlie was opened, the
13 sheriff put out an order for staffing there, and it called for
14 one officer to work in each of the three direct-supervision
15 housing units and two officers to work in Charlie 4, which was
16 the confinement unit. It called for an escort officer as well
17 and one in the control room.

18 Direct supervision is continuous, and there is no
19 provision whatsoever for leaving inmates unsupervised even for
20 five minutes, and that was not enforced, has not been enforced
21 by supervisors ever since Charlie Pod opened up in October.
22 Although I was not physically present to see it, by reading
23 the reports that they wrote about the activities that occur,
24 it's obvious that an officer had to run back into his empty
25 housing unit.

1 Or with regard to a suicide watch, there's supposed to
2 be somebody in there face-to-face with that inmate that's on a
3 suicide watch 24 hours a day, and there were multiple inmates
4 in places like that that got into fights. They had all kinds
5 of problems, and there was nobody present. And the officer --
6 a supervisor had to come and find them because somebody was
7 pounding on a window.

8 There are numerous examples that are proven by the
9 incident reports that were written that nobody was present,
10 both in direct-supervision housing units, the confinement
11 unit, and the suicide watch iso unit, and that's totally
12 unacceptable. That's why I got back with the jail
13 administrator and said we need to have some written guidelines
14 for these people that say no exceptions. No, you don't lock
15 inmates in their cells and feed them there. This is direct
16 supervision. They're supposed to be out in the dayroom. You
17 know, and that's the kind of thing I was reading in the
18 reports.

19 So that's finally been put out, but as I say, that was
20 just April the 6th.

21 THE COURT: And this may not be the right area to raise
22 this question, Ms. Simpson, and if it's not -- because I know
23 we need to talk about the other areas of your report, but I
24 think I recall reading in the report with respect to these
25 policies, for example, one of the explicit policies that is

1 being ignored is the use of -- not necessarily use of force
2 but use of chemical stuff, I think, as more than just a
3 defensive mechanism. It's being used to discipline. If I'm
4 mistaken about how I articulate this, please let me know. And
5 if this is not the right area to ask that particular question,
6 that is something that I would like you to speak to,
7 Ms. Simpson.

8 I think that the report indicates that there are
9 time -- well, that there are actually rules in place, I think,
10 on the use of mace, pepper spray, or whatever they might be
11 using in the facility, and your report suggests, at least,
12 that it may be an erroneous use of the substance or an overuse
13 of it, I guess.

14 Could you speak to that?

15 MS. SIMPSON: Yes. I'll say just briefly and then turn
16 it over to Mr. Parrish, because the use of force is more his
17 area. But there is a policy and procedure on use of force.
18 It does state that the OC spray, the chemical spray, should be
19 used only defensively to protect the officer or protect
20 another inmate. And there were a number of incident reports
21 that indicated it was being used coercively, not as
22 discipline, but to coerce the inmate to do something.

23 So -- but I'll have Mr. Parrish speak to that in more
24 detail.

25 THE COURT: Okay. Mr. Parrish?

1 MR. PARRISH: Your Honor, Ms. Simpson is absolutely
2 correct. The policy on use of force has been in place for
3 over a year, and it's very explicit. It's very specific
4 saying that OC, less than lethal weapons, are not to be used
5 as -- to coerce inmates to doing something, to make an inmate
6 do what an officer says to do. It's used to defend the
7 officer, so the officer does not have to be injured. It's
8 used to break up a fight between inmates so the officer might
9 not be injured -- doesn't have to be injured having to break
10 it up between multiple people. That's an appropriate use of
11 OC.

12 But when an inmate refuses to enter his cell and the
13 officer says, "I told him three times to do it, and so then I
14 deployed OC," that's totally wrong, and that's a commonplace
15 practice. "Inmate refuses to do what I said, so there my
16 answer is I spray them," and that's just completely in
17 violation of the sheriff's policy on use of force. And not
18 only did supervisors not make notation of that and indicate
19 that something needed to be done to correct it, but it went
20 all the way to CID and IAD investigations, and even there the
21 officers were exonerated and there was no action taken.

22 So during our last site visit, we spent a lot of time
23 talking with the CID and IAD investigators as well as their
24 supervisors explaining that this is what we have to have, and
25 you are in a position to catch it when somebody else is --

1 when somebody's doing something wrong. That's what IAD and
2 CID need to take a look at.

3 THE COURT: Okay. And this final point goes back to
4 the C-Pod and the sprinkler system. I'm looking at page 51 of
5 the monitor's report, and it indicates that the sprinkler
6 system -- there's been no sprinkler system, no fire alarm
7 system at RDC since 2012. And my question to DOJ, and this is
8 something you'll have to answer, DOJ, what -- you know, this
9 is nine years, almost ten years now. And I want to know, has
10 the State of Mississippi inspected this place in ten years?
11 And I want to see every report that the state fire marshal has
12 of inspecting this place.

13 MR. PARRISH: Your Honor, the last report that I was
14 able to obtain a copy of was in 2019, and I've got them going
15 back a couple of years. They say there's -- one investigator
16 says this is your semiannual inspection, and then the next
17 inspection is a year later. That was one of the questions I
18 had for the state fire marshal.

19 We've been trying to get them involved because what we
20 can't understand is, okay, you note that there's -- it just
21 says "sprinkler system." It doesn't say anything about it.
22 It just puts a number down and says something about fire
23 suppression system, but there's nothing coming from the state
24 fire marshal saying what action has to be taken and what will
25 happen, what repercussions there are, for failure to comply.

1 That's what I can't comprehend, and that's what I'm trying to
2 get from the State Fire Marshal's Office.

3 Anywhere else that I've ever looked, when they say come
4 in and say do something, you drop what you're doing and get it
5 fixed, because they're going to come back and look at you
6 again and have the authority to shut you down if necessary.
7 But I don't know what the rule -- I don't know what the
8 regulations are here in Mississippi, and it just seems pretty
9 nebulous.

10 THE COURT: Thank you. Ms. Simpson, I'll let you --
11 how are you doing, Candice?

12 THE REPORTER: I'm good.

13 THE COURT: Ms. Simpson, I'll allow you to move forward
14 in the way that you wish, because I know there are some other
15 points that -- other areas that the monitors have focused on.

16 MS. SIMPSON: Thank you, Your Honor.

17 And with respect to the fire suppression systems, I
18 think it might be helpful to look at one of the provisions of
19 the stipulated order that required the County to complete a
20 master plan. And we spoke at the last status conference that
21 a master plan recommendation report had been finalized in
22 January, and as we mentioned, it looks like a very good
23 report. It sets out some options and the cost of those
24 options.

25 It's not the master plan in itself. It's the

1 recommendations, and the County has to decide on a master
2 plan. The deadline for that actually has passed. It is a
3 tough decision because all of the recommended options did, in
4 fact, have a pretty hefty price tag. But the stipulated order
5 requires that the master plan will include deadlines for other
6 necessary safety and security repairs and renovations at all
7 three facilities as long as they remain open, including
8 deadlines for installing necessary fire suppression/prevention
9 systems.

10 The master plan recommendation report includes a very
11 good list of the repairs and renovations that would need to be
12 made for safety and security reasons for as long as the
13 facilities stay open, and I think that would be a very good
14 next step, consistent with the stipulated order, that a master
15 plan be adopted but especially that, using that list, some
16 timeline be made as to when those repairs and renovations
17 would be completed.

18 And I did want to mention two other administrative
19 areas. The PREA coordinator appears to be doing a very good
20 job. She is doing good reports. She's connecting inmates
21 with services when that's needed. She is developing some
22 materials that will inform inmates on how to report PREA
23 allegations.

24 The technical -- the IT person at the County has worked
25 closely with her to ensure that the reports through the secure

1 system can be made anonymously as required by PREA policy and
2 the regulations, and she's starting to do some training --
3 in-service training for staff. That was one area of concern
4 in that a number of the incident reports indicated a PREA
5 incident that was not reported to the PREA coordinator. So
6 training on those issues is going to be important, and she's
7 starting to do some of that training.

8 Another area of improvement is that the quality
9 assurance officer who started last summer is making progress
10 on developing templates for reporting some of the reports that
11 are required by the settlement agreement and working on
12 providing that sort of analysis and that that is intended to
13 be done as part of those reports. So that's another area that
14 appears to be progressing well.

15 And so at this point, I'd like to turn it over to
16 Dr. Dudley to talk about the mental health issues of the
17 settlement agreement and stipulated order.

18 THE COURT: Okay. Thank you, Ms. Simpson.

19 DR. DUDLEY: Good afternoon, Your Honor.

20 THE COURT: Good afternoon, Mr. Dudley. Hold on. Hold
21 on. I think -- Mr. Frazier, I think your microphone is not
22 muted.

23 MR. FRAZIER: Okay. Sorry, sir.

24 THE COURT: All right. I think it is now.

25 Mr. Dudley, can you hear me?

1 DR. DUDLEY: Yes, I can.

2 THE COURT: Okay. You may proceed.

3 DR. DUDLEY: With regard to the mental health unit, you
4 know, it's been known for a long time that that's something
5 that we have to do because of the volume of mentally ill
6 people being held in segregation. I noted in the report that
7 the mental health caseload has grown in this last visit in
8 numbers and also in acuity. I mean, there seem to be more
9 severely -- a high percentage are severely ill, mentally ill
10 in the facility, so that only increases the need for the
11 mental health unit.

12 Since the time of the visit, there was a
13 multidisciplinary meeting at the facility reviewing the plans
14 for the mental health unit, the physical space, what needed to
15 be done to make sure that that was going to be appropriate.
16 That's going to be part of the reopened B-Pod. And that
17 meeting, by all reports, was very successful, and so that was
18 certainly a big step forward towards the opening of the unit.

19 And so what -- the next steps include finalizing some
20 of the policies and procedures for the operation of the unit;
21 the -- resolving issues related to classification and how --
22 the process of selecting and placing people on that unit;
23 staffing for the mental health staff for the unit and staffing
24 as it relates to security staff for the unit, identifying and
25 training security staff for that unit. So those are the next

1 steps in that regard.

2 A second issue that I'd want to highlight is the MAC
3 meetings, the interdisciplinary administrative meetings where
4 security staff and medical staff are able to meet and discuss
5 a range of problems and concerns. I think many of the issues
6 that came up in the report could have been addressed had there
7 been a functioning MAC, and so that -- I wanted to highlight
8 that we're pushing to make sure that those meetings occur. So
9 the, you know, issues that came up in the report related to
10 safety of medical and mental health staff, just kind of basic
11 problems like internet service in the medical department or a
12 range of kind of problems that require kind of
13 interdisciplinary thought, like the misuse of suicide watch by
14 some of the inmates and things like that that could really be
15 worked out when security and medical can work together. So
16 certainly number two would be to make sure that the MAC is
17 operational and serves the purpose that it's designed to
18 serve.

19 Third area is segregation. When the mental health unit
20 finally opens, it will certainly be an alternative and more
21 appropriate placement for some of the individuals who are in
22 segregation more directly related to their mental health
23 problems, but there are other issues that need to be addressed
24 to deal with the issue of the mentally ill in segregation. So
25 as has already been noted, implementation of the

1 classification committee with the policy that's been sitting
2 there for this time would make a big difference in that
3 regard, and the development of policy that deals with mental
4 health input in the disciplinary review process would be
5 another part of that, addressing this issue of the mentally
6 ill and segregation.

7 Finally, the other issue that I wanted to raise is
8 discharge planning. There continues to be a problem that I
9 can't completely explain where there's still individuals who
10 are released from the facility who fail to pick up their
11 discharge package that may include things like medication that
12 they're on, a supply of medication; instructions for
13 referrals; *et cetera*. And how that happens is still not
14 entirely clear to me, but there's a population of people who
15 fail to pick up those packages.

16 There's still a significant percentage of people who
17 don't show up for appointments that have been scheduled for
18 them upon release, whether they be for mental health services
19 or medical services. And so that -- these issues still need
20 to be addressed.

21 We had begun to develop some groups and activities to
22 try to help people prepare for discharge. They started; they
23 stopped during COVID; they started again. The -- I'm a little
24 concerned, because the discharge planner who was doing those
25 groups has left the facility last week. And so we're kind of

1 starting from scratch in that regard all over again, and
2 linking with services like Hinds Behavioral Health and their
3 coming to the facility and participating with discharge
4 planning and attempting to develop relationships with
5 individuals before they're discharged was another strategy
6 that was begun to work on and plan for.

7 And so the implementation of really a mix of strategies
8 to try to address the difficulties that have been there with
9 regard to discharge planning and the successful referral of
10 individuals for services when they leave the facility in an
11 attempt to keep them stable, so they don't come back to the
12 facility is still, I think, a major area of concern.

13 THE COURT: Okay. Thank you, Mr. Dudley. I want to
14 direct a question to Ms. Simpson first, and it may dovetail --
15 go back to you, Mr. Dudley.

16 Does the County prepare a chart -- maintain or prepare
17 a chart that would show each individual that is in their
18 custody and how long they've been in their custody? I mean,
19 what's the longest amount of time, for example -- is there a
20 report that you can turn to, you can flip to, that they might
21 prepare every 30 days or so -- I don't know -- that would show
22 you the length of time that any particular prisoner is at --
23 is either in RDC or WC or anywhere?

24 Because the next question that I have is for the mental
25 health component side, because I get the impression from

1 Mr. Dudley, he said the acuity has increased, the numbers are
2 increased. And I realize COVID has been going on for a year
3 now. And we -- on the federal side, we've not had many
4 trials, but the state side has really not slowed down at all,
5 to some degree.

6 Do we know how long each person is in any one of these
7 facilities?

8 MS. SIMPSON: Yes, Your Honor. That actually can be
9 run right out of the jail management system, the JMS data
10 system, so, yes, they can print out with the touch of a button
11 the length of stay of all of the different inmates.

12 THE COURT: Is that something you generally request in
13 your report?

14 MS. SIMPSON: Yes. We typically get that in
15 preparation for the site visit, and they also have -- and I
16 don't think this is run out of the JMS, but they create a
17 separate document that has each inmate and how long they've
18 been in and also whether they've been indicted or have not
19 been indicted, and we typically get that report as well.

20 THE COURT: As a part of your report on an ongoing
21 basis, I would like to see that when you file your -- I would
22 like to see the most recent report that you would have that
23 you would look at to make a part of your status report. Do
24 you understand?

25 MS. SIMPSON: Okay.

1 THE COURT: Whichever report that is. You know, I want
2 to see the names of each individual. I want to see where they
3 are in the process of either being indicted, going to trial,
4 because it -- there are all dates for all of these things. I
5 mean, people have dates by which they have their preliminary
6 hearing; they have an initial trial date, I guess; there's a
7 continuance order in place that tells you that there's a new
8 trial date.

9 But I also -- with respect to the people who are
10 waiting on mental health assessments, I would certainly like
11 to know how long somebody's in the detention center waiting to
12 be evaluated to determine whether or not they might even be
13 competent for trial. And I know those are moving parts with
14 other agencies and things like that, but I think it's best
15 that it becomes part of our report.

16 MS. SIMPSON: Your Honor, I can do that. It has been
17 difficult to get an accurate listing of people who are waiting
18 for mental health assessments or waiting for a forensic bed at
19 the state hospital, and that is something that we've requested
20 and used to get a spreadsheet from the state hospital that at
21 least gave us how many were waiting for a state hospital bed.
22 I will check again to see if we can get the listing of people
23 that are waiting for beds or assessments.

24 THE COURT: I mean, it seems to me that that list ought
25 to be maintained by the County and not the State, because

1 anytime someone has mental health as an issue and needs to be
2 evaluated, there's a court order tied to that. A court has
3 determined that so-and-so so-and-so needs to be evaluated;
4 there's a court order. So that would tell you that that
5 person is ordered for a mental assessment or evaluation, and
6 they're ordered to stay there until that is done. I mean,
7 there's a court order that requires it, and so the County
8 ought to know who is it in their facility who is awaiting
9 being assessed by some mental health professional.

10 MS. SIMPSON: Yes, I agree, Your Honor. The difficulty
11 that's been explained to me is that those court orders
12 ordering a mental health assessment are not necessarily
13 provided to the jail. You know, typically the orders that are
14 given to the jail involve holds or releasing or things of that
15 sort. But they don't necessarily get every order that the
16 court enters, and an order for mental health assessment is one
17 they don't routinely get. They do have access to the court --

18 THE COURT: I'm sorry to cut across you, Ms. Simpson,
19 but the sheriff has custody of these people. Are you telling
20 me that the sheriff does not get orders with respect to people
21 in their custody -- in his custody?

22 MS. SIMPSON: Right.

23 THE COURT: I mean, I'm just trying to think through
24 this thing logically here. The sheriff has the responsibility
25 of maintaining the custody and the control of these

1 individuals, just like our Marshals Service has the duty to
2 maintain the custody of everybody who comes over here prior to
3 their being sent off to MDOC, and the marshal gets a copy of
4 every -- of everything affecting the people who they're
5 required to have custody over. I just -- I just find that
6 hard to believe.

7 MS. SIMPSON: That is what's been reported to me, that
8 they don't necessarily get orders for mental health
9 assessments routinely. And maybe Ms. Barker knows more
10 particularly whether that's correct or not and -- yeah.

11 THE COURT: Okay.

12 MS. SIMPSON: So we certainly asked for a listing of
13 people waiting for assessments or state hospital beds, but we
14 have not received that.

15 THE COURT: Okay. I think on a going-forward basis, I
16 would like to see the most current list, whatever list that is
17 as of the day you file your report -- you know, a few days
18 before you file your reports or even weeks before while you're
19 compiling your report. I'd like to see it. And you can
20 submit it in a redacted sort of way to keep private
21 information available, or maybe for that list, it is sent *in*
22 *camera* only. But we'll figure out a way to do it. I want to
23 see it.

24 MS. SIMPSON: Your Honor, would you like me to obtain a
25 current report in the next week or so and then send it to you?

1 THE COURT: That would be helpful.

2 MS. SIMPSON: Okay.

3 THE COURT: All right. Now, I know we still got a ways
4 to go, because I've been interjecting a bunch of questions
5 that I know the County and the sheriff will be able to answer,
6 and DOJ will, too. But I know you have other areas that you
7 want to talk about, Ms. Simpson.

8 MS. SIMPSON: Yes, Your Honor.

9 DR. DUDLEY: Your Honor --

10 THE COURT: Oh, I'm sorry, Mr. Dudley. I'm sorry. Go
11 ahead.

12 DR. DUDLEY: I just wanted to note that in the report
13 we indicated that the state had begun to do these competency
14 evaluations via telepsychiatry. And so there have been many
15 more of them done during this last period than had been done
16 during the time that I've been a monitor, because they started
17 doing them via telepsychiatry. And my understanding is -- is
18 that apparently they've been able to do with -- except for one
19 or two exceptions of people who were so impaired that they
20 thought they still needed to bring them to the facility, to
21 get caught up on evaluations.

22 THE COURT: Okay. Thank you, sir. Can I turn back to
23 Ms. Simpson, Mr. Dudley? Are you through, Mr. Dudley?

24 DR. DUDLEY: Finished.

25 THE COURT: Okay. Thank you, sir, so much.

1 Ms. Simpson.

2 MS. SIMPSON: Okay. At this point, I'd like to turn it
3 over to Jim Moeser to discuss the juvenile JCAs, the juveniles
4 charged as adults.

5 Jim?

6 MR. MOESER: Thank you, Lisa.

7 And thank you, Your Honor. As you can tell in reading
8 through the report, there's a number of areas that we've
9 talked about before that, you know, continue to be of concern,
10 so I just want to highlight a few of those and then answer any
11 questions.

12 Probably the most significant concern in this recent
13 visit were concerns about staffing, sort of from top to
14 bottom, at the time of the visit, the time of the calls. The
15 executive director position was vacant again. Fortunately,
16 now Mr. Frazier is back on the job and has been for I think
17 the last two or three weeks as far as I know. But there have
18 been, again, continuing periods where there has not been an
19 executive director, and I think that continues to sort of
20 stall and affect any momentum and planning that is able to be
21 done over any consistent period of time. So hopefully
22 Mr. Frazier is on board and will stay and be there for a while
23 and will be able to get a hold of things and move forward.

24 There's a training coordinator vacancy; there's a
25 personnel development coordinator that's relatively recent

1 that I think is a positive step; there's still a vacancy in
2 the psychologist or treatment coordinator position with the
3 exception of a few weeks in last fall. But most significant
4 is a pretty sizable number of vacancies in the youth care
5 professional ranks where about a third of the positions really
6 are vacant. That has risen over the last six to nine months
7 and has stayed pretty high and really makes it hard for them
8 to accomplish many of the tasks that I think are in the
9 agreement.

10 It challenges the leadership to just simply fill
11 shifts, keep things covered. It sometimes means things don't
12 get done or staffing is not able to move kids where they need
13 to be moved and things like that, and that's a significant
14 concern. And you'll see recommendation in the report about
15 that and concerns about that again as well.

16 The second area of concern is a rise in -- I think what
17 seems to be a rise in the number of more serious incidents,
18 fights among youth, a couple suicide attempts, things that
19 suggest the supervision and problems in supervising the youth
20 are increasing rather than decreasing. And I understand from
21 the conversation that it's been a little better this last
22 month or so, but I was concerned about the number of incidents
23 in which youth were engaged in fights.

24 Admittedly, there's a smaller percentage of kids that
25 are involved and seem to be repeat offenders, but it's a

1 concern and needs to be -- and I think, again, indicative of
2 concerns about the quality and ability to provide supervision
3 on an ongoing basis with staff shortages in place, as well as
4 that leads to challenges in training them and supervising
5 them.

6 You'll see a note in the report that I think the
7 education program has regressed. There were issues --
8 although there were challenges created by COVID and some
9 accommodations made for that for a period of time, more
10 recently it appears that given issues that have occurred in
11 the classroom area, only half the youth are in the classroom
12 at any one time, essentially meaning they're getting about
13 half of what they should get.

14 They do provide worksheets and things for youth on the
15 unit when they're not in the classroom, but that's a poor
16 substitute for direct teaching and is of great concern. And
17 I'd be very concerned that that has to be addressed, and
18 whatever challenges in terms of operating the school program
19 in partnership with Jackson Public Schools need to be attended
20 to. Significant attention needs to be provided to that.
21 Again, that may be something Mr. Frazier is able to dive into
22 and help work out.

23 Now, there are some physical plant things that are of
24 note in the report. The extra classroom program areas were
25 completed. The modules were added. The fencing around them

1 had not been completed by the time of the visit, so it had not
2 been put in use. Those would provide some additional
3 flexibility in where youth are for programming and education
4 as well, but the staff shortages will plague -- make that more
5 challenging as well. Those may be technically in use now or
6 available for use, but they weren't at the time.

7 Other recommendations about the actual physical plant
8 in terms of the living units have remained the same and have
9 not been attended to. And there's a recent development, a
10 relatively recent development, with loss of the electronic
11 door control system, and that is included in the master plan
12 that Ms. Simpson alluded to as an element that needs attention
13 in the master plan report. But that has not been, to my
14 knowledge, repaired yet.

15 The other aspect I'll just mention in terms of a
16 concern is the relatively recent concern expressed by the
17 youth court judge as it relates to the separation of youth
18 court youth and the juveniles charged as adults. Her
19 interpretation of the Mississippi statutes prevents them from
20 being not only housed together but essentially programmed
21 together, so that has limited the flexibility staff at
22 Henley-Young have in terms of how they move youth around the
23 facility and will create additional challenges in terms of
24 education and programming.

25 THE COURT: Wait, wait, wait. You said difference in

1 youth programatically?

2 MR. MOESER: Yes.

3 THE COURT: I mean, is there any dispute that children
4 who are charged as adults are entitled to the basic programs
5 that a juvenile who is treated as a juvenile -- I mean,
6 programatically is the problem that they cannot be "educated
7 together" and might have to be separated to receive the same
8 type of education? Or we're saying that a child charged as an
9 adult might not be entitled to the same sort of programs?

10 MR. MOESER: No. I think, in fact, the commitment is
11 there that all those youth are entitled to both education and
12 other kinds of programming. But it's a matter of how do you
13 program it in a facility that's not well structured for the
14 flexibility to do that? And the Jackson Public Schools does
15 not staff the facility in a way that allows that to happen on
16 a continuing basis.

17 I think the commitment is there. Judge Hicks is very,
18 I think, interested. Although those juveniles charged as
19 adults are not under her jurisdiction, she's equally concerned
20 about them receiving appropriate services as well.

21 It does raise some -- has raised some discussion at the
22 local level that's beginning around the viability of
23 Henley-Young being the long -- the best facility or long-term
24 use of Henley-Young for both youth charged as adults and youth
25 court youth. You may recall there's a cap or a limit of 32

1 spaces allotted under the SPLC agreement, and that seems to be
2 a functional number both because it complies with the
3 agreement but also is a logical number given the space. Her
4 concern is that the County needs to begin some planning around
5 that issue in a way that doesn't run up against a limit for
6 youth, and it also provides the best facility for youth.

7 The master plan -- there's a recent addendum to the
8 master plan that Ms. Simpson alluded to, a reference that
9 provides some information about the potential of creating
10 essentially a standalone but connected unit to any potential
11 jail construction that would utilize some of the
12 infrastructure supports from the jail but the youths -- keep
13 juveniles charged as adults completely separate. We just got
14 that addendum last week. I haven't had a chance to look at it
15 in great detail. But that's an issue that will, I think,
16 continue to evolve, and may or may not complicate what happens
17 with the youth charged as adults in the long run.

18 In any case, we have made it clear, and I think the
19 County clearly understands that no matter how they proceed,
20 where youth are housed, they need to meet the conditions of
21 the agreement, provide education, provide other kinds of
22 programming. But it just needs to be continually assessed and
23 developed in a way that meets the agreement.

24 It is two years -- on a positive note, it's over two
25 years now, about February, since the last youth left the

1 Raymond facility. That is a significant issue and really I
2 think is an important one to recognize that after taking a
3 step to move juveniles charged as adults to Henley-Young and
4 moving forward with that, they've managed to maintain that for
5 over two years now. So that's positive.

6 The number of youth court youth at Henley-Young has
7 remained relatively low, but there are complications in the
8 housing unit, especially if there are girls housed there,
9 given the youth court judge's -- or the interpretation of the
10 Mississippi statute related to them being together in any way.
11 That will be, again, part of the discussion I think going
12 forward on the County's planning. And so the fact that --
13 yeah, so those are some positives.

14 Oh, and the last thing is there does seem to be some
15 improvement on the indictment front. Although there are still
16 a number of youth who are not -- who are there for over
17 90 days and not indicted, it does seem to be fewer. So
18 whereas in the past, there might only be a quarter of the
19 youth there actually having been indicted, that has increased
20 to about two-thirds. That does, though, continue to raise the
21 question, and the County is aware of it, in terms of managing
22 the population long run that there needs to be additional work
23 done through the courts to keep those youth cases moving.

24 Right now I think there are about -- about half the
25 youth at Henley-Young of about -- I think there are 21, maybe,

1 today, but at the time of the roster, I had was 20. Half of
2 them were 17-year-olds, and the most common reason youth leave
3 Henley-Young is they are there so long and eventually turn 18
4 and then they go to jail. There's very few youth who have
5 left Henley-Young actually making it through the whole court
6 process and being convicted and placed and sentenced, so that
7 needs to be continually worked on at the county level as well
8 with the courts. And I'll leave it at that.

9 THE COURT: Okay. I'll take judicial notice that I
10 read the papers and see the news. I know there appears to be
11 an uptick, at least in juveniles who have been arrested, at
12 least, and charged in certain crimes. I think of a
13 13-year-old and a 15-year-old who were charged with the murder
14 of a woman on -- I can't think of the street off of Terry
15 Road, between Terry Road and Gallatin. I think the local
16 people know who I'm talking -- the arrest that was made.

17 So with respect to the youth, though, Mr. Moeser, I
18 know you indicated that there's a new executive director
19 that's just been back on-site. And I guess I'm sort of
20 forecasting what my question will be for the County, and you
21 don't have to respond, Mr. Moeser. But I assume there's going
22 to be an effort to sort of hire those staff members that have
23 been vacant now that the executive director is back on board.
24 I think there's a treatment person that is still absent.

25 And let me ask you this, Mr. Moeser: With respect to

1 the services that JPS -- the education -- I guess JPS provides
2 education for these kids. During the COVID era, was JPS able
3 to do what it needed to do? Because I assume most of the
4 learning, like for other kids, was virtual. Was there any
5 virtual learning occurring there at the facility?

6 MR. MOESER: Yes, Your Honor. It's my understanding
7 they were doing some virtual work to the extent that they
8 could. There are limitations within the facility as to how
9 many youth had access to internet capacity at any given time,
10 but they were given, again, a combination of sort of work
11 packets and some virtual learning.

12 I think -- I also believe that some teachers, and I'm
13 not going to have the specifics on this, came back into
14 Henley-Young and into the classroom for direct instruction
15 earlier than was typical in Jackson Public Schools as a whole.
16 So I think there was some effort by some of the teachers to
17 get back on-site and work with kids directly. But, yes, there
18 was a long period of time where I think it was mostly virtual.

19 THE COURT: Okay. All right. Thank you, Mr. Moeser.
20 Ms. Simpson?

21 MS. SIMPSON: I think that concludes our report, but we
22 are -- certainly can answer any questions that you might have.

23 THE COURT: I don't have any more questions right now.
24 What we're going to do, though, is we're going to take a
25 five-minute break to give my court reporter a breather and to

1 let everybody go get a sip of water or whatever they need to
2 do.

3 When we come back, though, this is the question for DOJ
4 and the County and the sheriff. I'm looking at pages 9
5 through basically 23 of the report, which is the stip- --
6 chart of the stipulated order update that has been prepared by
7 the monitors, and it indicates what has been done as a go-to
8 reference, really easy, what -- whether the County has met
9 full compliance, no compliance, or not applicable, and when
10 that full compliance was achieved and the status update. And,
11 basically, what I will want to know is there anything in that
12 little summary that the parties disagree with in how the
13 monitors have told me what is and -- what has and what has not
14 been done yet?

15 So we're going to take a five-minute break, and then
16 I'll be ready to hear from DOJ, the County, and the sheriff.
17 We'll be in recess. You don't have to turn -- you don't have
18 to turn off your devices -- well, if you don't turn off your
19 devices, we can see what's going on, but we're going to be in
20 recess for five minutes.

21 (A brief recess was taken.)

22 THE COURT: We're back on the record.

23 I did have a question. Can everyone hear me? Yeah?

24 Okay. I did have a question, Ms. Simpson, because as I think
25 about how long we've been going, with respect, this complaint

1 itself was filed June of 2016, so we're getting into the
2 five-year period of the lawsuit.

3 There were several years, I think -- of course, the
4 case was not mine back then, but I think, Mr. Cheng, several
5 years prior to that the Department of Justice was looking into
6 the matter, and, actually, the filing of the lawsuit is a
7 culmination of something. So I think you-all investigated and
8 went back and forth with one another and finally filed suit,
9 and as a part of the consent decree, the monitors have been
10 involved for a number of years.

11 And I assume, Ms. Simpson, you and your team, are you
12 the -- and I don't know what to -- who's paying the cost of
13 the monitors? Is that being split between DOJ and the County,
14 or is the County bearing the full cost?

15 MS. SIMPSON: The County bears the full cost.

16 THE COURT: And on average, do you know what your bill
17 is each month or however the services are being billed,
18 quarterly, monthly, annually?

19 MS. SIMPSON: They're billed -- they're billed monthly.
20 And it fluctuates quite a bit, because when we have a site
21 visit in preparation of the report, the bill is significantly
22 higher than the months in between. I can tell you -- it will
23 take me a minute to pull it up. I can tell you what the
24 annual total was for 2020. The total for 2020 was around
25 275,000.

1 THE COURT: Okay. Now, I'm now going to give DOJ an
2 opportunity to come to me any way it wishes, but I guess the
3 first question I do have, Mr. Cheng, or the question that I
4 left you with before we broke: The stipulated order update
5 chart that was prepared by the monitors, does DOJ disagree
6 with anything in that chart?

7 MR. CHENG: No, Your Honor. We generally agree with
8 the chart. It is possible because of a few items that were
9 supposedly addressed after the report was filed, including the
10 supposed repairs to the physical plant in Raymond. Some of
11 that has to be updated, but generally we agreed with the
12 chart.

13 THE COURT: Okay. And since the Department of Justice
14 entered its stipulated order with the County, I presume the
15 Department of Justice expected the County to be in compliance.
16 So, again, I'll let you address me any way you wish,
17 Mr. Cheng.

18 MR. CHENG: Yes, Your Honor. We do expect them to be
19 in compliance. As a matter of fact, one of the first things I
20 was going to mention in my prepared remarks was that nearly
21 five years after the Court ordered the defendants to implement
22 the settlement agreement to remedy dangerous, unconstitutional
23 conditions, the monitor's report indicates that the defendants
24 are in sustained or substantial compliance with only eight of
25 the 92 provisions of the settlement agreement. They are

1 noncompliant with 30 provisions, meaning they haven't even
2 done enough to do partial compliance. And they are in partial
3 compliance with 53 provisions, but in many of those cases,
4 they actually need to do quite a bit more to obtain
5 compliance.

6 The whole point of doing a stipulated order was to
7 prioritize short-term action steps needed to attain
8 compliance. The stipulated order was supposed to address some
9 of the most serious conditions and give them a foundation to
10 achieve full compliance, but as the monitors noted and by our
11 count, they've only complied with 12 of 44 provisions of the
12 stipulated order.

13 So what I was hoping to do today in my remarks was to
14 talk about the areas of overdue compliance and try to organize
15 them into some basic categories. We have four in mind. One
16 is protection from harm, which includes staffing and security
17 practices; the juveniles issue; the medical/mental health care
18 issues; and some systemic issues associated with CJCC.

19 By the time I'm done, I hope it will be very clear that
20 there is sort of a pattern here that may be interfering with
21 compliance and which really needs to be addressed. And that
22 pattern is that the defendants don't seem to be really coming
23 up with a plan or a strategy to implement required remedies.
24 Oftentimes when they get something done, it is largely due to
25 the monitor's technical assistance or achievements by

1 particular groups within the defendant's organization.

2 So, for example, the architects and the designers were
3 able to complete their master plan. Some members of the
4 sheriff's department have put in pieces of different types of
5 remedies, but when it comes to sort of a long-term strategic
6 plan or sort of broader thinking and oversight at the higher
7 levels, we're not always seeing that. And that's getting in
8 the way of full implementation of both the stipulated order
9 and the settlement agreement.

10 Let me start first with the protection from harm
11 issues. Even within protection from harm, there are some
12 subcategories: staffing, policy implementation, the physical
13 plant deficiencies, and use of force. I don't want to go too
14 much into it, because the monitors have covered it. But
15 you've heard many of the same problems you've heard in the
16 past: The staffing and security remain inadequate. They
17 don't really have enough staff; policies aren't implemented;
18 the buildings remain unsafe and the maintenance process isn't
19 working. And, you know, we have problems with harm, people
20 getting use of force, and then nothing is done in terms of the
21 investigations. People aren't following the policies on use
22 of force, and so forth.

23 I think what you'll see in --

24 THE COURT: Mr. Cheng, hold on for one second.

25 Remember the court reporter is taking down what's said, so

1 pretend you're here in the courtroom in Mississippi. We
2 require you to speak slowly here, so just pretend you're here,
3 okay? Get out of D.C. for a second. Come back home to us.
4 Speak a little slower.

5 MR. CHENG: I've been told I speak too fast for D.C. as
6 well.

7 THE COURT: Okay. Speak a little slower for --

8 MR. CHENG: Maybe Philadelphia.

9 THE COURT: Speak a little slower for us, please.

10 Thank you.

11 MR. CHENG: So we look at the four different issues:
12 staffing, policies, the use of force, the juvenile issues.
13 And what really seems to be a concern is that there's no real
14 buy-in at the highest levels. People don't show up at
15 meetings. They don't do what they're supposed to do in terms
16 of approving outside consultants or making decisions, and so
17 even when pieces are remedied, even when you have Ms. Albert
18 working on a policy and procedure, even when you get some more
19 staff hired, some of the bigger-picture pieces are not done.

20 And I'll just use as one of the illustrations the
21 staffing retention issue. We've known for some time that they
22 can't keep people. They can hire people, but they can't keep
23 them. There are a lot of reasons why that's the case, but
24 under the stipulated order, there were a few discrete things
25 they needed to do. One of those was to hire a staffing

1 retention consultant. We are now almost a year in, and they
2 still don't have a staffing retention consultant.

3 What troubles us particularly is that at the last
4 status conference, and even last year, there was a lot of talk
5 about Mr. Matthew Rivera being retained as the staffing and
6 retention consultant. I believe Ms. Simpson had actually put
7 him on to the monitor's payroll in order to make sure that
8 some initial expenses were covered, and everybody was
9 proceeding as though this person would help them with
10 assessing why they can't keep people and what they can do to
11 improve their work culture and human resource practices so
12 that they have better retention.

13 We just heard, I think a day or two ago, that
14 Mr. Rivera was not a fit for the sheriff's department, and so
15 they are not going to proceed with Mr. Rivera. Well, that
16 sets us back now on staffing retention.

17 I wish that was the only illustration where we sort of
18 get these types of unjustified delays, but we've had similar
19 problems with the development and implementation of policies.

20 I'm actually not quite as concerned about the drafting
21 of the policies. That is actually a slow process, and we can
22 definitely speed it up a bit. But at least under Ms. Albert,
23 so many of the priority policies have actually been completed.
24 Just to illustrate, the use-of-force policy, for example, was
25 completed. Some of the other priority policies that have not

1 been done, while they are important, they aren't quite in the
2 same category of importance as the ones that have been
3 approved.

4 What's more problematic is that when investigators and
5 supervisors don't implement policies, there really is no one
6 coming back and saying, "You need to do this." If anything,
7 there seems to be some pushback from high levels of the
8 sheriff's department where they just don't understand the
9 importance of policies or just don't need to force people to
10 implement the policies.

11 There's a similar problem with the maintenance issue.
12 We have the same sort of deficiencies showing up again and
13 again and again. The stipulated order requires that they
14 develop a maintenance system. They actually had one in place.
15 It was a little bit crude. It ran a lot of the work orders
16 through the county administrator; and then for some reason at
17 the highest levels, they took that apart, there wasn't
18 anything in place for a while, and naturally things started
19 falling apart again.

20 We have known for some time that there are very serious
21 problems with the safety conditions inside Raymond Detention
22 Center, and even to some degree at the work center,
23 particularly regarding fire safety. It is not clear to us why
24 the state fire marshal does not do more frequent inspections.
25 It's been sort of a puzzle from the beginning. They are not a

1 party to this case, so their lack of action is not necessarily
2 an excuse for the County.

3 So under the stipulated order, we asked them to have
4 the architects and the master planning process address these
5 issues. As Ms. Simpson has pointed out, the master planning
6 process has done a pretty good job of identifying the priority
7 repairs that need to be made.

8 In addition to the smoke detectors, fire detectors,
9 sprinklers, there are also problems with some of the kitchen
10 equipment, including a steam system that was an imminent life
11 safety issue. I don't understand the full details of it, but
12 I believe the County has taken some interim steps to address
13 these issues. But, again, there is no long-term plan to fix
14 them. We can't get timetables. We don't know exactly which
15 of the options the County is going to adopt to fix these
16 issues.

17 Let me move on to the JCAs and Henley-Young. Again,
18 many of the deficiencies at JCAs are really similar to the
19 ones at the jail: staffing retention, serious incidents that
20 don't always get followed up on, policies that aren't
21 developed, and some delays in implementing the programs that
22 would make it more of a manageable facility and might actually
23 help with some of the other issues because they can't seem to
24 fill vacancies in key positions.

25 The stipulated order required that they hire a

1 treatment director, for instance. They filled the position
2 for a very short time. The person left, and then, again,
3 there just isn't really any type of active effort to try to
4 fill that gap. And I mean more than just reposting the
5 position. I mean, it isn't just about filling a position.
6 It's about having a process in place so you can develop the
7 programs. Filling the position is just the easiest part of
8 that system. It's the most measurable. But it requires much
9 more from the County, and I don't think the County is really
10 doing that.

11 Some of the similar problems start showing up with
12 medical and mental health. While the mental health unit has
13 made some progress, we are still at a pretty early planning
14 stage. The stipulated order provided some additional
15 structure, both in substance and timing, to defendants'
16 existing obligation to provide mental health services. In
17 March, we admit the relevant jail leadership and medical and
18 mental health staff had their initial planning meeting, but,
19 again, one joint conversation is not enough to make sure the
20 departments are moving forward to putting in the unit.

21 The order requires, for example, that they hold regular
22 meetings each month, so that they can resolve administrative
23 concerns. But they're not doing that. The stipulated order
24 included some provisions to protect medical staff, such as
25 fixing security cameras and improving security and adding some

1 officers so the medical staff could do their jobs in the
2 mental health unit. But right now our understanding is the
3 mental health staff are canceling appointments or pausing
4 medication pass, because security officers aren't there.

5 It has also been difficult for QCHC to find people to
6 staff Hinds County because of the jail's poor safety for
7 staff -- poor reputation for staff safety. So, again, the
8 failure to address these sort of long-term strategic issues of
9 staffing and staff retention start affecting other things as
10 well, such as mental health care.

11 The problems of policy implementation affect medical.
12 There is actually some discharge planning built into policies
13 and procedures. Right now our understanding is only
14 30 percent of inmates who are on the jail's mental health
15 caseload actually ever make it to their first appointment at
16 Hinds County Behavioral Health. Additional QMHPs, qualified
17 mental health professionals, would help with discharge
18 planning, but the County has not made a commitment to actually
19 hire those people, or at least as of the most recent tour,
20 those people were not on-site yet.

21 There are things they could do to improve the discharge
22 planning process, like making sure that when detainees are
23 released, someone in security picks up the discharge packet
24 and makes sure that the people get their medications and their
25 appointments.

1 There are things they could do with administrative
2 segregation as well that they need to do that are actually in
3 the draft policies that have been approved but are not
4 actually being done.

5 So, again, it's not that there aren't pieces in place.
6 There are things being done with medical, especially by the
7 private contractor, Quality Correctional Health Care, that are
8 moving them towards a mental health unit and having a more
9 comprehensive mental health system, but until they really
10 start thinking in terms of "What do we need to prioritize?
11 What is our plan for getting the mental health unit physical
12 plant in place, getting staffing in place?" we have some
13 doubts about whether they'll make some progress in the next
14 couple months.

15 So the final issue I want to talk about briefly is the
16 CJCC. This one has been an issue for a long time. I don't
17 know how long Ms. Simpson has been asking them to appoint
18 someone to get the CJCC really up and running, someone to
19 handle the administrative issues, help with scheduling, a
20 full-time person dedicated to the work. It was actually
21 something required in last year's stipulated order. They
22 assigned an employee who had other duties. Ms. Simpson has
23 repeatedly pointed out that this is not going to work, because
24 the person is too busy. And that, frankly, the CJCC is still
25 not moving the way it should, which, again, impacts everything

1 else. It slows down trying to get long-term planning, working
2 things out on education, it affects mental health services,
3 and discharge planning.

4 The stipulated order had a very simple, concrete
5 requirement for the County. That minor requirement was part
6 of a bigger set of remedies and required more management,
7 administrative thinking that just hasn't occurred. And until
8 it happens, we're not going to be able to make much progress.

9 So that's basically our view of what's going on.
10 There's been improvement, but we are in pretty serious need of
11 sort of leadership at the higher levels to keep things moving.

12 THE COURT: So what does DOJ suggest this Court ought
13 to do? Because I've heard you say all of this stuff before,
14 including at our last status conference and the status
15 conference before that. So what is it that -- it's the order
16 that you agreed to with the County. What do you suggest the
17 Court ought to do at this point?

18 MR. CHENG: I think it's pretty clear that they're in
19 violation of that stipulated order. What the next step is is
20 something we are deliberating on internally. As you're aware,
21 Your Honor, there are a number of options if we believe
22 somebody is in contempt.

23 One of the things that we are thinking about is whether
24 we have to break up the chunks even smaller in order to make
25 sure the County does what it needs to do. We do think that

1 having these regular status conferences has been helpful.
2 Just in the last couple of weeks right before this conference,
3 there was a spate of activity that moved some things along,
4 and I think that's one thing that is going to affect our
5 assessment of what needs to be done.

6 The other thing that I think is helpful for DOJ and
7 that would be helpful for the Court would be that if the
8 defendants come up with remedies or they talk about things
9 that they're doing. Especially as this hearing proceeds, it's
10 important to listen carefully on whether they've actually
11 given clear timeframes and commitments.

12 We ourselves are often having a hard time trying to
13 figure out if something told to us is something that's really
14 being done, something that's sort of being thought about, or
15 something that they're actually committing to do.

16 Just to illustrate, for example, some of the life
17 safety issues, we've heard different things: that they have
18 been fixed; that they are being fixed, but other things are
19 being done in the interim to deal with the problems. But for
20 us that's not very concrete, and so until we can get sort of
21 more into the details, it's often hard to tell what exactly we
22 have to ask for.

23 To be a little more specific, take, for example, the
24 steam system. Our understanding is that the architects said
25 this thing could blow up. It needs to basically be fixed. We

1 were originally told it's going to be fixed. But then we
2 heard that the system is just turned off, and they're using
3 other things instead to try to sanitize dishes and pans and
4 make sure people get utensils. Well, turning off the system
5 is not replacing the system. So what does that really mean?

6 Likewise, you know, if the electrical system gets fixed
7 for a short time but there are deeper problems with lighting
8 or electricity or alarms or sprinklers, those really need
9 long-term fixes. The architects, CDFL, have provided a pretty
10 good master plan that may give them the long-term fixes they
11 need, but the County has not committed to that. Under the
12 stipulated order, they need to commit to which of the options
13 they're going to adopt into the master plan.

14 Likewise, even if they adopt long-term fixes, they need
15 a maintenance plan. Well, they keep saying they have a
16 maintenance plan, but it's not clear to us what it is. So
17 until we get something in writing and timeframes, it's not
18 particularly helpful.

19 So in summary, Your Honor, you know, to the extent that
20 the Court continues to hold all of us to account for making
21 sure that these remedies are real, that's going to be helpful.
22 But in terms of specifically what DOJ is going to ask for, I
23 think we're going to have to get back to the Court on that as
24 well.

25 THE COURT: All right. I'll now turn to the County and

1 sheriff, whichever way -- between the two of you, whoever
2 wishes to go first. It sounds like you're on the defensive --
3 or you've been put on the defense, rather. You may not be
4 defensive at all.

5 But, again, I harken back to the time that the parties
6 entered this stipulated order. It was at the time that there
7 was a change of leadership on the Board of Supervisors and
8 within the sheriff's department itself. It was about to be a
9 change in leadership. The election had just occurred in
10 November, and the new people were going to be sworn in the
11 first day or so of January of 2020.

12 And now it's April 2021 and we're here talking about
13 things that was a problem then, and we've had several status
14 conferences in between the two. And I know I've gotten
15 reassuring information from the County and the sheriff that
16 things are going to be different, that things are getting
17 done. And I've just heard from the monitor and I've looked at
18 that chart, and I'm going to ask both the County and the
19 sheriff if they agree with what's in the chart, and then --
20 and now I've heard DOJ.

21 It still seems to me there's a whole lot of stuff that
22 has not gotten done, so I open it with that. The first
23 question will be for the County and the sheriff: Does either
24 party disagree with the chart that has been prepared by the
25 monitors that consists of page 9 through 23 of the monitor's

1 report?

2 MR. GAYLOR: Your Honor, Tony Gaylor for the County.

3 Yes, Your Honor, we disagree with the -- not only the
4 chart but also the general tone with regard to how things have
5 been presented with regard to the progress we believe we've
6 made within the stipulated order. We do acknowledge that
7 there is more work to be done; however, we would like to bring
8 to the Court's attention that we have done a substantial
9 amount, and we are certainly attempting to comply with the
10 consent decree.

11 As an example of that, Your Honor, over the last year,
12 the County has spent \$3.4 million in attempting to repair the
13 facilities at both the detention center in Raymond as well as
14 Henley-Young. Over the past two months, we have authorized
15 spending of roughly \$700,000 to come into compliance with the
16 consent decree. And really over the past eight years, it was
17 brought to my attention we've spent \$10 million on the
18 facilities in Raymond and at Henley-Young.

19 And some would say that's probably spending a lot of
20 good money after bad, but we've been making the attempt to
21 come into compliance in every way along the way when things
22 are brought to our attention with regard to both life safety
23 issues and just general maintenance issues.

24 THE COURT: Well, let me ask you this: Are there
25 lights in Pod A? Are inmates -- are inmates left there in the

1 dark in Pod A? In Pod A, are there lights?

2 MR. GAYLOR: Yes. Your Honor, with regard to Pod A,
3 yes. There are day lights within Pod A. And when I say "day
4 lights," that means that in the room, the general room where
5 the residents are supposed to be gathering, there are lights
6 out there.

7 Now, with regard to the individual cells, the lights
8 were torn out by detainees. And it's a life safety issue with
9 regard to having some of those lights in those cells, because
10 we've had incidents in other places where residents have
11 electrocuted themselves in dealing with those lights. And so
12 there aren't lights in the individual cells. There are lights
13 in the -- in the pod.

14 Now, as it was noted, that is an area that's supposed
15 to be -- the residents are -- detainees are supposed to be
16 transitioning out of that pod into Pod B, and we've made a
17 substantial amount of repairs in Pod B and are still making
18 those repairs to try and transition them out of Pod A into
19 Pod B. As you can imagine, if we were to do a -- we can't do
20 a complete renovation of Pod A while the residents are there,
21 detainees are there, and Pod B is in disrepair, so we don't
22 have anyplace for them to go. So we've placed Pod A in a
23 condition that is what we believe is inhabitable while we're
24 trying to make Pod B much more sufficient for their -- for
25 them to stay.

1 Now, I can go along the list of repairs that have been
2 made to Pod B to bring that to the Court's attention if it
3 likes.

4 THE COURT: I guess the best place to start, then,
5 since DOJ says that they believe that the chart is relatively
6 accurate -- they said, you know, there's been some things that
7 have been done since then. It might not reflect that, but the
8 County has said it disagrees with the chart. What I want to
9 know is: What are your areas of disagreement if we're going
10 to go down one by one or page by page starting with page 9?

11 Because I see this as an easy way of seeing whether the
12 County is in full compliance, noncompliance, or if it's not
13 applicable. And if you're in compliance, when was the date
14 achieved?

15 So this is an easy reference point for me, because I
16 see a lot of noes. And what I heard you say is some of these
17 noes are supposed to be maybes or yeses, I guess.

18 MR. GAYLOR: Right, Your Honor. Yes. Okay. So we can
19 start with page 9 if you'd like. Where it says -- under
20 "stipulations," on the third line it says, "Within 30 days the
21 County will post at a locally competitive salary for a
22 full-time clinical social worker or psychologist to serve as
23 treatment director." It says no.

24 We believe that that should say at least partial,
25 because we did post. Not only did we -- have we posted for

1 the position, but we filled the position. And the person that
2 filled the position has left that position. And we've
3 continued to post for that position, so I think it's not -- I
4 don't think it's fair to say that we are just not complying or
5 haven't attempted to comply. We filled the position, and now
6 the position is vacant again. And --

7 THE COURT: And when was it last reposted?

8 MR. GAYLOR: It's posted right now, Your Honor. It
9 should be on the website as we speak for a clinical social
10 worker, for the treatment director coordinator position.

11 THE COURT: Okay.

12 MR. GAYLOR: I don't -- I'm not aware that it has not
13 been on the website. It should be there as we speak.

14 Next, Your Honor, in the next position, it says that
15 the County should use a qualified security contractor with the
16 assistance/oversight of an architect with corrections
17 experience to accomplish the safety and security measures at
18 RDC. The architect should conduct periodic inspections.

19 THE COURT: Okay. You need to slow down if you're
20 going to read. I see it --

21 MR. GAYLOR: Your Honor, the next -- the next box.

22 THE COURT: Right. I see it. You need to slow down
23 for the court reporter, though, if you're going to read.

24 MR. GAYLOR: I apologize.

25 With regard to that box, it says no. Well, we've hired

1 Benchmark as our construction managers and experts, and we
2 also hired Cooke Douglass Farr Lemons as our architect. And
3 obviously they have been assisting us all along the way in
4 making assessments and repairs to the facilities. For some
5 reason it says no, that we're not in compliance. It should at
6 least say -- I don't know why it would not say at least
7 partially compliant, because we hired them and they're here
8 right now. And they're here right now, Your Honor, in this
9 hearing.

10 THE COURT: I understand they may be there right now,
11 but the monitor says the monitoring team has not seen the
12 contract or documentation of any inspections by CDFL, although
13 Benchmark has generated a punch list. Is that inaccurate?

14 MR. GAYLOR: I don't think that's a fair assessment at
15 all, Your Honor. And quite frankly, they have been in contact
16 with Benchmark consistently and have been in contact with
17 CDFL, and so to say that they have not been -- that they
18 haven't done -- that haven't seen the contract for them or
19 that they haven't seen any documentation of any inspections by
20 Rob Farr, I just don't -- when they've seen the master plan
21 that was created by them, I just don't think that's a fair
22 assessment, Your Honor.

23 MS. SIMPSON: Your Honor, may I interject something?
24 If you look at the chart where it says yes or no, the question
25 is "Full compliance by due date." So it may very well, such

1 as that one, be something that has been achieved but was not
2 achieved by the due date. And then the next column is, "When
3 was full compliance achieved?" And if it had been achieved,
4 the date of it is noted in that column.

5 So the noes and the yeses refer to whether compliance
6 was made by the due date, not -- not -- and like I said, it
7 could be something that has come into compliance, and then
8 there will be a date in the next column.

9 MR. GAYLOR: That being the case, Your Honor, then we
10 understand that there are many things that have prevented us
11 from being in compliance on the due date that was initially
12 suggested, but due dates were initially suggested pre-COVID.
13 And so there are lots of things that we may have been a little
14 bit delayed in achieving compliance, but the general tenor
15 that is being presented is as if the County is not only not in
16 compliance but has not attempted to be in compliance with the
17 stipulated order. And we just don't agree with the assessment
18 that's being relayed to the Court, Your Honor.

19 THE COURT: Okay.

20 MR. GAYLOR: So -- and so in that sense, you know, we
21 have strong disagreement with that environment in which things
22 are being presented on those things from the County's
23 perspective.

24 Going further down to page 14 where it talks about the
25 County installing fire hoses in secured cabinets as a part of

1 the renovation process of each pod, we want to bring to the
2 attention of the Court, as it has certainly brought attention
3 to the fact that we are lacking a fire alarm, detection, and
4 suppression system, that that has been ordered. And we've --
5 we have a contractor in place for that, and the installation
6 of the fire alarm and suppression system starts next week,
7 Your Honor. But we have made the appropriate note of that and
8 are attempting to remedy that situation.

9 Now, I think it's important that the Court understands
10 that the facility was designed without a sprinkler system, and
11 so this is one of the problems that we have with the poor
12 design of the facility. And in that vein we've made plans,
13 Your Honor, not just to rebuild and repair the detention
14 center that's in place, but we have plans to build a new
15 facility. And that is pursuant to the master plan that Cooke
16 Douglass Farr Lemons put forward to the Court.

17 We're going to have to do it in phases, though, Your
18 Honor, because the plan that was presented was basically a
19 \$100 million plan, and we don't have the resources to build a
20 \$100 million facility at one time, at once. But we do intend
21 to build a facility probably in three, if not four phases, and
22 we've begun the process. And the monitors are aware that
23 we've secured land for that facility as well. And so we're
24 starting that process in terms of building soon hopefully,
25 Your Honor, but we have begun the planning process for that.

1 Now, Your Honor, if you would like, we can also --
2 well, there are a couple of other things with regard to the
3 stipulated order as well.

4 With regard to the development of the pretrial services
5 program, Your Honor, we are -- I believe the monitor has noted
6 that we are in the process of trying to establish that
7 program. We have someone who is assisting us with the
8 establishment of that program. The -- we are making -- we
9 have made plans -- we have made budget plans for a pretrial
10 services coordinator position, and we have not advertised for
11 that position yet. But we are planning for the pretrial
12 services program.

13 With regard to the -- page 16, where it talks about the
14 engagement of stakeholders in the implementation of the CJCC,
15 we do disagree with the sentiment that we have not had a CJCC
16 or that we've not been attempting to meet properly. We met --
17 the CJCC met in November and December, even though it's an
18 entity that's supposed to meet quarterly. And it was noted in
19 December by the senior circuit judge, who is the chair of that
20 committee, that she would like for there to be a new chair for
21 that committee put in place.

22 We were scheduled to meet again last month, in March.
23 That meeting was postponed, but we do believe that the
24 stakeholders that need to be in place are at the table,
25 primary stakeholder being the District Attorney's Office,

1 which is certainly engaged in all that we're attempting to do
2 to move that project along. So there's that.

3 Now, with regard to the -- two boxes down from there,
4 it talks about the -- again, it talks about the treatment
5 coordinator post, and it talks about the hiring of a clinical
6 social worker as well as contracting with and consulting with
7 an entity that has a psychologist. Well, we do have a medical
8 care provider that has a mental health component, QCHC, but
9 we've also contracted with Hinds Behavioral Treatment. And in
10 our conversations with them, they are aware that they're
11 supposed to be contracting with the psychologist, but they are
12 operating in a supportive capacity at this time until we can
13 get a treatment coordinator in place.

14 We don't like the -- we disagree with the sentiment
15 that we aren't attempting to adequately address mental health
16 treatment, both in Raymond as well as at Henley-Young. The
17 attempts are being made. The mental health professionals are
18 on-site, and they are treating residents and detainees.

19 We do acknowledge that we would like for a more
20 effective system to be put in place, but that's a work in
21 progress. And the collaboration between -- we believe that
22 the collaboration between QCHC, Hinds Behavioral, as well as
23 our eventual replacement of a treatment coordinator will
24 address that.

25 One other thing, Your Honor, with regard to the

1 stipulated order in the chart. It talked about the -- on page
2 19, it talked about the County completing a master plan to
3 determine the long-term use of each of the three facilities
4 and evaluating options of building a new facility or further
5 renovating existing facilities. Your Honor, we've done all of
6 those things, both within the master plan as well as beyond
7 the master plan, planning the building of a new facility.
8 We've established that -- we have a lease with Jackson Public
9 School District for property in proximity to the existing
10 Henley-Young facility where we intend to build a new facility
11 in phases.

12 And so the tenor that's been presented to the Court
13 with regard to us -- the County not attempting to plan to
14 create a new facility or renovating the existing facilities I
15 don't believe is accurate at all, Your Honor, and so we
16 have -- we take major issue with that.

17 The sheriff's department may have additional objections
18 to what's been presented with regard to policies and
19 procedures, and I think they should address the Court at this
20 time with regard to that.

21 MR. CALHOUN: (AUDIO GAP) that, Judge, Your Honor.

22 MR. GAYLOR: Board President Calhoun, would also like
23 to address the Court with regard to something?

24 MR. CALHOUN: And I would like for Supervisor Archie to
25 say a little something also.

1 But this board, in advance of us being sworn in,
2 started looking at jails. We went with Benchmark to Coahoma
3 County and looked at the jail that they were building, and we
4 said that we were going to move as rapidly as the funds would
5 be available. And we have come up with a funding source -- we
6 think we have, anyway -- to get this done. And I can say this
7 board is doing financially as much as it can to comply with
8 this consent decree.

9 And, David, I want you to just say a couple words, but
10 don't be too long.

11 MR. ARCHIE: Good afternoon, Your Honor. David L.
12 Archie, vice president of Hinds County Board of Supervisors.

13 I would like to just add that it's been a difficult 12
14 to 16 months, now going into 16 months, for this new board.
15 We've had so many different issues other than the jail to have
16 to deal with, you know, concerning flooding, tornadoes, ice
17 storms. I don't know. It's just been -- COVID. It's just
18 been one thing after another.

19 But not making any excuses for that, but what we are
20 saying is that we are committed to do everything in our power
21 as a Board of Supervisors to get from under this consent
22 decree.

23 Now, I think that we -- I know that President Calhoun
24 and Supervisor Graham and myself, we're always in conversation
25 concerning what can we do more about taking care of that jail?

1 I've gone down to the jail on several occasions. I just pop
2 up sometime in the middle of the night -- not the middle of
3 the night but late evening. I don't call the sheriff, and the
4 sheriff don't know I'm coming. I don't call the board
5 president so the board president knows I'm coming. I want to
6 see how things are going.

7 And in order to continue to work on these projects and
8 to make sure things are done the way the Court sees fit, then
9 I think the Board of Supervisors members got to get more
10 involved in order to not kick the can down the road but in
11 order to get things done, and this board is committed to
12 getting it done. We're spending quite a bit of money there,
13 and we want to do what the Court asked us to do, this
14 particular board.

15 THE COURT: Okay.

16 MR. ARCHIE: Thank you, sir.

17 THE COURT: I hear you, but I've also heard from the
18 monitors and I've also heard from DOJ. I hear you. But there
19 are some fundamental disagreements between the County and what
20 the monitors have said and what DOJ has said, and DOJ has the
21 power to sort of do something with respect to slow rolling on
22 the consent decree that the parties negotiated. That's the
23 contract between the two of you, the County and the DOJ, to
24 stave off or to put off the trial that we were going to have
25 on whether or not the County could be found in contempt.

1 That's where we are.

2 DOJ chose not to push the contempt issue at the end of
3 2019 because -- in part because they explained that -- the
4 parties explained it that day; the then county attorney
5 explained where we were. I think the new sheriff was in the
6 building at the time, said, Look, Judge, there's a new sheriff
7 here; Judge, there is a new Board of Supervisors here; and so
8 therefore, we think that it's in our best interest to resolve
9 this contempt hearing today and not move forward on contempt
10 because we -- DOJ believes us, that we're going to work and
11 get things done.

12 And we've been meeting with these status reports since
13 that time, and there are fundamental disagreements about where
14 you-all are; that is, the parties are, with the terms of the
15 agreement that you-all reached to stave off the hearing on the
16 motion for contempt.

17 So I hear the new board -- I hear the new president and
18 I hear the vice president. But I want you to understand this
19 latest status report is viewed rather differently between the
20 monitors and DOJ and what I just heard.

21 But I'm going to give the sheriff an opportunity now to
22 tell me what it is, if anything, that they disagree with with
23 respect to the chart. Because the chart is the easier thing
24 for me to look through and identify to see if there's been
25 full compliance and when there was full compliance and then in

1 those spaces where there are blanks, which means there has not
2 been full compliance reached. And I think when the parties
3 negotiated their agreement back in 2019, I do think now --
4 maybe it may take some evidence and some hearing on it, but I
5 did think that by now the parties probably thought that most
6 of the stuff will have been done or at least certainly more
7 than what is identified on the chart as having been done or
8 having reached full compliance.

9 So I ask the sheriff the same question that I asked the
10 other parties about the chart: Do you agree that the chart
11 that the monitors have prepared is correct?

12 MS. BARKER: Your Honor, I -- the sheriff's office
13 will -- we have some contention with what is represented in
14 the chart.

15 First of all, I want to back up. And, Your Honor, you
16 know, we -- the Court speaks about the timetable that this
17 stipulated order was implemented, and the Court is absolutely
18 correct. It was implemented in December of 2019. We had a
19 new sheriff come in January of 2020. We had approximately six
20 months on the job and the entire world shut down, and the
21 fact, honestly, that half of the people on this call are still
22 here and that we haven't had a complete outbreak of COVID in
23 our jail and that we're finally seeing the light at the end of
24 the tunnel in this thing is miraculous.

25 So as I said at the last hearing, I do not believe that

1 the DOJ, the monitors, or the Court should hold the parties in
2 the same light under this stipulated order as we were whenever
3 we entered that order. When we entered that agreement, we all
4 agreed that things were going to go along as planned, and we
5 were going to be able to have training in person; that we were
6 going to be able to rock along with these policies and
7 procedures; that we were going to be able to devote every
8 single inch of our time to this.

9 Instead what we had to do was stop everything, figure
10 out how the heck to address a pandemic, much less something
11 that no one knew anything about. We didn't know if we could
12 contract this by touching people, through the air. The CDC
13 didn't even know. The whole world stood still.

14 And with that said, I think that it's extremely unfair
15 for the DOJ and the monitors to be so harsh on the County
16 given the fact that we have done a great job containing COVID,
17 and that we're all healthy and here sitting here talking to
18 Your Honor today.

19 In that same line, I would aver that what the DOJ said
20 about contempt, we have -- there is no way for us -- well, I'm
21 sorry. There cannot be any argument for us to be held in
22 contempt given the fact that we have given -- made a good
23 faith effort given all of the challenges that we've been in
24 this year to comply with the consent decree. We have made so
25 many strides in the face of a pandemic, and I think that that

1 needs to be commended. Yes, there are downfalls. Yes --

2 THE COURT: Let me ask you this: Does the sheriff
3 believe that -- for example, that training must be done in
4 person? Is there any way to do training on certain of these
5 policies -- apparently, the monitors suggest there is no
6 training or no implementation of the training. Is it -- I
7 guess the first question is: Is that a correct assessment?
8 Is there training going on? And if there is training going
9 on, how is that training occurring?

10 MS. BARKER: Your Honor, that is an incorrect
11 assessment. The -- we have been doing training through roll
12 call training, which, you're right, this is not an in-service
13 training. We can't get into all the in-depthness as an
14 in-service training would be, but we have given our detention
15 officers roll call training on each and every policy.

16 To that end, we have hired a new training captain, who
17 is developing a curriculum per the stipulated order on each
18 policy, and we will have in-service training. And that is
19 going to be -- that curriculum is going to be submitted within
20 the next week on that. So we are taking strides to develop
21 that in-service, and now we do feel safe having in-person
22 training.

23 The conversation came up of Zoom training, and, Your
24 Honor, I don't believe that all of our detention officers even
25 have that capability to hop on Zoom. You know, we're not

1 dealing with the employees at the federal court who, you know,
2 may or may not have those means. I just -- you know, our
3 detention officers are getting paid \$27,000 a year.

4 THE COURT: No, but the training I'm talking about
5 occurs in-house, is in-house training. It's just done over
6 the computer. You're here at your job, and part of your job
7 is to attend the training. So that's what baffles me with
8 respect to, you know, why something has not been designed to
9 train folk with respect to policies and procedures. You know,
10 they're there at the job, but I guess what I read from the
11 monitor's report is that no training has been done because of
12 the in-person sort of fear or prohibitions or whatever. So --
13 you know, so I don't know if, you know --

14 MS. BARKER: Your Honor --

15 THE COURT: Go ahead, Ms. Barker.

16 MS. BARKER: Your Honor, our -- the way that our
17 facilities are set up, if our detention officers are manning
18 their post, we don't have the capability to have internet
19 service or anything like that in the pod. That's just -- we
20 just do not have that technological capability, and we don't
21 have a computer training room. You'll see that -- thank God
22 my office is large enough to space out, but this is the only
23 computer with a monitor on it. That's why we're in my office
24 right now. We just do not have those technological
25 capabilities.

1 THE COURT: Okay. So what else in the report does the
2 sheriff disagree with?

3 MS. BARKER: I will go down line by line for the
4 policies that apply to the sheriff's office. The first one is
5 page 11, section II.A.2, this states that a staffing plan
6 which optimizes the use of available staff to provide
7 supervision at all three facilities, including, among other
8 strategies, rotation of staff from JDC and the work center to
9 RDC to increase staff coverage.

10 Your Honor, this should not be a no. It should be
11 either partial compliance or full compliance, because we have
12 done a directive to put the excess workers from the work
13 center to RDC to help with that deficiency. Now, I have been
14 in contact with the monitors and with the Department of
15 Justice, and when they talk about a rotation, we were
16 confused. And I believe that Your Honor brought up the fact
17 that you should perhaps assign different workers to different
18 facilities each day, and I had kind of thought that, too.
19 What's the big deal? Why can't you do that?

20 Well, Mr. Parrish will agree that that goes directly
21 against the notion and the philosophy behind direct
22 supervision. With direct supervision, you need to have those
23 officers assigned to that unit so they can get comfortable and
24 know the inmates. Now, they are doing direct supervision at
25 the work center, which is open bay, and that's working out

1 really well. So to, I guess, take those workers and mix it up
2 and put workers from RDC at the work center, that would create
3 more of a security problem than we have right now, and DOJ and
4 Mr. Parrish and Ms. Simpson all acknowledged that. So why
5 this particular section is a no, we disagree with that.

6 The second section II.A.3, states that we need to
7 increase the time that officers are in the housing unit at RDC
8 by using the walkie-talkies. It was noted in the monitor's
9 report that that didn't seem to be done, because it wasn't
10 reported on the logs. We have addressed this with the warden
11 and assistant warden. We are putting out another directive
12 and working with our staff on that. And anytime that any
13 parties on this call want to review those logs, you're more
14 than welcome.

15 THE COURT: What steps has the sheriff taken in making
16 sure that -- because one of the problems that the monitor has
17 addressed is not necessarily the adoption of policies but the
18 implementation of them, and what happens when people do not
19 comply with the directives coming from the sheriff? What
20 happens?

21 MS. BARKER: Your Honor, I'm going to be completely
22 candid with the Court. We have had an issue in our training
23 department over the last year. I think that with some of the
24 leadership and with the fact that we were dealing with COVID,
25 we've had a bit of a problem. Now we have a new training

1 captain, who is very able and qualified for this position, who
2 actually has a lot of detention experience, and, you know,
3 there probably was a problem with just the policies not being
4 really trained on and getting down and trickling down to the
5 supervisors and the detention officers. That is something
6 that we are working on, and we know and realize that that is
7 an issue.

8 THE COURT: Okay.

9 MS. BARKER: And in response to what we are doing about
10 it, we've had numerous terminations where officers, for
11 whatever reason, didn't follow one policy or another. So when
12 it's being brought to our attention and we know that they have
13 been trained on it, of course they will be terminated.

14 Now, there have been some where it's been brought to
15 our attention and we've acknowledged that, you know what, we
16 can't discipline someone on an issue that they really haven't
17 fully been trained on. And so we do know that is an ongoing
18 issue and it's something that we are addressing with the new
19 training captain and a new curriculum.

20 THE COURT: All right.

21 MS. BARKER: The next issue that applies to the
22 sheriff's office is III.B.1 on pages 11 and 12. It states,
23 Within three months of the monitor's approval of each policy
24 and procedure, the County shall develop a curriculum.

25 Your Honor, I basically touched on that earlier.

1 Actually, the training captain is in here with us, and he
2 understands exactly what he needs to do. I've already
3 reviewed a preliminary proposal for the curriculum on each
4 policy, and we are going to have in-service training. We'll
5 be able to give DOJ and the monitors that curriculum and a
6 proposed calendar in the future, the very near future.

7 The next issue is II.B.2, and it states that within
8 three months of the U.S. and monitor's approval of each policy
9 and procedure -- it basically is the same -- the same issue as
10 the other one in the event -- in the fact that we are
11 developing curriculum and training.

12 THE COURT: What was the timeline for -- I mean, I
13 guess you're disagreeing with -- you know, you're saying that
14 it's going to be done. At the time that the monitors prepared
15 the report, it was not done.

16 MS. BARKER: Right.

17 THE COURT: And I guess -- so the monitor's report is
18 accurate as of April 2nd, 2021; right?

19 MS. BARKER: You're correct, Your Honor, and I
20 apologize for any notion otherwise. It is accurate. However,
21 we don't feel that it puts in the -- what we are attempting to
22 do. It basically just says no. And I understand it's a
23 black-and-white document, but I wanted to update the Court on
24 everything that we are doing to comply with this. Because
25 honestly, Your Honor, right now we are seeing the light at the

1 end of the tunnel. People are getting vaccinated. COVID is
2 down. And so we are actually just feeling "normal" right now.
3 So now we're able to get back on track and to start
4 implementing this full force where we're not just trying to
5 keep our head above water and figure out what's going on with
6 the pandemic, so -- and that's our honest assessment of this.

7 Let's see. I would like to address a couple of more.
8 I mean, without -- without belaboring the point, technically
9 the rest of these are correct. However, I would like to note
10 what we are doing. And if the Court would like for me to
11 continue to tell -- to update the Court on exactly what we're
12 doing to come into compliance with this, I will definitely do
13 that, but I don't know if the Court has other questions.

14 THE COURT: No, I don't think that's necessary at the
15 time now. I'm going to ask the monitor to help me understand
16 this process of you preparing your report.

17 I think -- does the draft go to the parties before you
18 make it final, Ms. Simpson?

19 MS. SIMPSON: Yes, Your Honor. I prepared the draft
20 report and provided it to the parties, and I believe the
21 timeframe is 30 days after the site visit, and then the
22 parties have, I believe, ten business days to propose any
23 corrections or provide any updates, and then I incorporate
24 those and create the final.

25 THE COURT: So any updates and -- any updates that

1 would have corrected anything about the report would be in the
2 final report that comes to me, except for what you might have
3 received since April 2nd, I presume?

4 MS. SIMPSON: Yes. If I received updates or
5 corrections prior to April 2nd, they would be in the report.

6 THE COURT: Okay. I mean, to the extent any party
7 disagrees about what's in it, then it seems to me that you
8 would have had your chance ten business days before the
9 report -- or at least ten business days after you receive the
10 draft report, and I guess we just try to make a system that is
11 not as fluid, something that puts things in place, so that we
12 all could take advantage and have a good status conference and
13 knowing exactly what has and what has not been done.

14 I guess that leads to the question that I asked DOJ,
15 you know, and I guess I kind of asked the County now and the
16 sheriffs. I mean, what am I to do? I have to be more
17 concerned about the people who are pretrial detainees than
18 everybody here that's on this call, because they are under my
19 jurisdiction.

20 MR. GAYLOR: Your Honor, if I --

21 THE COURT: They're under my jurisdiction, and I have
22 to be concerned about them. Because it seems to me that we
23 are forgetting about them.

24 MR. GAYLOR: Your Honor, may I address that point --

25 THE COURT: Yes.

1 MR. GAYLOR: -- from the County's perspective?

2 THE COURT: Yes.

3 MR. GAYLOR: Yes. Okay. Your Honor, Tony Gaylor here
4 on behalf of the County.

5 First of all, Your Honor, in this particular instance,
6 we're dealing with a little bit of a different timeframe with
7 regard to responses and agreements. We received Lisa's report
8 not an incredibly long period of time ago, but with regard to
9 that, there may not have been completely adequate time to
10 submit an alternative version of our own report. But beyond
11 that, there are going to be points in which we just disagree.

12 For example, when statements are made with regard to
13 the inadequacy of programs at Henley-Young, there are going to
14 be things that we -- you know, some things are somewhat
15 subjective. And to the extent that the representation is made
16 that educational services aren't being offered to youth down
17 there or programs aren't being provided to youth down there,
18 we disagree. We just disagree with regard to JPS's provision
19 of educational services. We just disagree.

20 Now, with regard to some of the sentiments that were
21 expressed by Attorney Cheng with regard to the boiler and some
22 of the life safety issues that are existing at the detention
23 center, the sentiment that is being presented to the Court is
24 as if the County is not attempting to (AUDIO GAP) and trying
25 to attempt to address those issues.

1 The boiler, for example, is not even necessary for the
2 use of the cleaning of the utensils. In terms of utensils,
3 the resident detainees are not using metal objects. They use
4 plastic objects, and so the boiler isn't used for that. So
5 the boiler is being taken offline, or has been taken offline
6 and is not necessary for the preparation of the food and those
7 types of things that are needed down there right now or the
8 sanitation of plates and utensils.

9 And so I don't want the impression to be given to the
10 Court that here we have a piece of equipment that's about to
11 explode and kill people down there. I mean, once it's being
12 brought to the attention that it's not something that's safe
13 to be used, we take it offline, and we're making the attempt
14 to provide a safe environment for the detainees down there.

15 I also need to -- I have to express, Your Honor, that
16 there are times when we are going to come into compliance with
17 regard to maintenance issues and then those issues are going
18 to come into disrepair, because sometimes lights are going to
19 be pulled down or sometimes things are going to be broken. It
20 doesn't mean that the County did not come into compliance or
21 has not attempted to come into compliance, and when they get
22 into disrepair again, we fix them again.

23 That's why over the last year we've spent \$3.4 million
24 trying to address problems that are occurring at the detention
25 facilities. But if you were to just listen to what's being

1 reported, or at least the sentiment that's being expressed, it
2 would be as if we had done nothing over the last year to
3 address these problems.

4 THE COURT: Well, is that \$3.4 million including the
5 full restructuring and repair of Pod C, for example? I
6 assume? I may be wrong. Are you talking about -- I mean, you
7 know, that's the construction of a whole -- that is a pod that
8 was destroyed nine years ago. Are we talking about a lot of
9 that \$3.4 million going toward fixing Pod C, which just got
10 back fixed after nine years?

11 MR. GAYLOR: Well, Your Honor, a lot of it is going to
12 be spent on that. But I also mentioned that over the last two
13 months since the last status conference hearing, we've spent
14 and authorized over \$700,000 on Pod B.

15 THE COURT: I understand authorized. I understand
16 authorized. I understand spent.

17 MR. GAYLOR: Authorized and --

18 THE COURT: Okay. Pod B. You know, but the monitors
19 came forward today and told me about Pod A, back on April 2nd,
20 no lights.

21 MR. GAYLOR: And the lights are there now, Your Honor.
22 But I remind -- I would like to also remind the Court that the
23 facility was designed in a way that having those cell lights
24 in those cells was a hazard. And those cell lights were
25 there, but they were destroyed by detainees that are in that

1 facility, Your Honor. And so if we put them back there,
2 they're going to be -- not only is it putting probably good
3 money after bad, but if we put it there, they'll be torn down
4 again. And possibly they will pose a life safety issue,
5 because there have been incidents in which people commit
6 suicide and electrocute themselves by messing with those
7 lights that are that accessible to the cells. That's why,
8 Your Honor, we have undergone a process of trying to design a
9 new facility, so that there won't be instances in which
10 detainees can have that type of access to lights.

11 THE COURT: But you're talking about designing a new
12 facility. I don't know how long you're going to be trying to
13 raise money, for one thing, to design a new facility. I don't
14 know how long it's going to take you to build a new facility.
15 But during that process, Hinds County is not going to stop
16 arresting people and not going to stop indicting people and
17 not going to stop holding people until their trial. And I
18 guess my concern is that we have to be concerned about how we
19 treat these people during that time between the time they are
20 arrested and the time that they go to trial, because during
21 that time, so long as they don't have bond, they are going to
22 be in the custody of the sheriff's department and in Hinds
23 County. So -- so I hear you.

24 And if the parties need to put more breathing room into
25 the time that there are these status conferences, if there

1 needs to be more time in between the time that somebody
2 receives a draft report and gets an opportunity to respond, it
3 seems to me that the parties might be able to work that out.

4 But as I see it, when I get the status report, that's
5 what I turn to to get educated on what has happened since the
6 last time we've had a status report. And this status report
7 reflects, for example, turning to policies and procedures,
8 Attorney Cheng says, Well, Judge, it's not really so important
9 that we draft the number of policies and procedures, but it's
10 all about the implementation of that that we've drafted.

11 But I'm looking at the agreement saying that there are
12 going to be over 90 policies and procedures done at some point
13 in time, and in the last 60 days we've only had six. So if I
14 take that out and say in the next 60 days, we get six more,
15 and in the next 60 days, we get six more, we're going to be in
16 2024 or 2025 before we even get all the policies in place, and
17 that is totally unacceptable.

18 And if you have a policy that says that you should not
19 use this pepper spray or mace or whatever it is on the inmates
20 as a matter of routine or as a matter of -- only for defensive
21 posture and it's being used regularly as a matter of course
22 and nothing is being done to those -- by supervisors to make
23 sure that employees don't do that, that's just like having a
24 use-of-force policy that says you can't go in there and blow
25 somebody's brains out with a gun -- and I know they don't have

1 guns there. But you cannot beat them in the head, but
2 somebody goes around beating folks in the head, how am I
3 supposed to react to that if I see a policy that says you
4 should not do it, but then I see an incident report after
5 incident report after incident report showing that it is done
6 and nothing -- nothing is happening?

7 So, you know, I'm at, you know, wits' end; I am. And
8 that's why I did ask DOJ, Well, what am I supposed to do at
9 this point?

10 MS. BARKER: Your Honor, may I interject something at
11 this time --

12 THE COURT: Yes.

13 MS. BARKER: -- regarding that? DOJ and the monitors
14 and the County, we spoke about this on the last conference
15 call about breaking it into chunks, and I know Attorney Cheng
16 recently stated that. I think that that would be the best
17 thing to do in this situation.

18 I remember standing behind Judge Gargiulo on the Coast
19 probably in 2018 saying the same exact thing. This consent
20 decree is like an octopus, and it has 90-something provisions,
21 and the fact that we're expected to use the little resources
22 that we have to comply with all 97 provisions at the same time
23 is insanity.

24 THE COURT: But that's what you agreed to. I mean,
25 that's the thing about it. That's the beauty of a consent

1 decree, just like any settlement between private parties.

2 MS. BARKER: Right.

3 THE COURT: It's a settlement. If you don't want to
4 agree to it, you don't have to agree to it. But at that time
5 everybody around the table -- now, you can decide now that
6 maybe we need to unravel the agreement to some point and
7 restructure a different agreement. You can do that. But I'm
8 holding you to the agreement that you said -- that you stood
9 up in open court back in 2019 encouraging the judge to accept
10 this good faith agreement from all the parties so that we can
11 move forward.

12 MS. BARKER: Your Honor, I agree with that, and as far
13 as the stipulated order goes, yes, that is something we
14 have -- the timelines have been not met on that, but we are
15 continuously working on that. We're not totally ignoring
16 that. And I think that -- like I said, I'm not going to go
17 back and say it about COVID, but that has affected this.

18 Now, going forward, if we want to try to make a good
19 faith effort to actually attempt to comply with this consent
20 decree, what needs to be done is a logical thing: The monitor
21 should say, okay, next time I come, I want y'all to focus on
22 these five things. Let's see some building blocks. What's
23 the most important thing? Safety and security? Facility
24 maintenance? Let's work on that first, all right?

25 And the Department of Justice and the County had talked

1 about maybe coming up with, like, some stipulations. Okay.
2 Let's hit these things in the consent decree first, these
3 provisions, and then the monitor can update the Court on that.
4 Once that's done, that's going to give us a firm foundation
5 and a building block to go forward.

6 To try to do this the way that we have been doing it is
7 absolute insanity, and that's why we've been -- all have been
8 feeling like we're just treading water and trying to keep our
9 head above-water, because the demands of this -- and yes, yes,
10 I do agree the parties agreed to it. But if we want to try to
11 comply with this, we need to have some sort of direction, some
12 sort of foundation, and some sort of building blocks to allow
13 all of this to happen for the sake of our inmates.

14 THE COURT: Okay. I think I saw Mr. Cheng's hand a
15 couple of times. I'll give him an opportunity to respond.
16 And I know it's a Friday evening and it's -- for you people on
17 the East Coast, I know it's way into your weekend, and I'm not
18 going to be here much longer. I'm thinking about -- I'm
19 hearing what the County and Ms. Barker have said on behalf of
20 the sheriff and -- but I want to hear from the Department of
21 Justice before I think about what I want to do next.

22 Mr. Cheng, you want to say --

23 MS. BARKER: Your Honor --

24 THE COURT: Go ahead, Ms. Barker. You had something
25 else?

1 MS. BARKER: I'm sorry. Yeah. Before the Department
2 of Justice answers your question, would you like to hear from
3 the sheriff? I know he wants to address the Court real quick.

4 THE COURT: Okay. That's fine.

5 MS. BARKER: Okay. Thank you.

6 SHERIFF VANCE: Good afternoon, sir.

7 THE COURT: Good afternoon, Mr. Vance.

8 SHERIFF VANCE: It kind of struck me when you mentioned
9 about the safety and your personal responsibility for the
10 people housed at the Raymond Detention Center. Well, I
11 daresay you and I more than anybody else on this call share
12 that particular sentiment. I take safety as the number one
13 priority as we deal with this entire situation, and I mean
14 safety of staff and safety of people who work there.

15 My assessment is most of the problems that we have are
16 narrowed down to the amount of staffing and the facility
17 itself, and I believe I heard Mr. Cheng say that hiring is
18 probably the easiest part of it. Well, I don't know exactly
19 where he gets that from, but I will just say this:

20 During my time in office, we've hired 115 new detention
21 staff. 115. Out of that 115, we probably still have about 60
22 vacancies, so I would agree that retention is a problem. We
23 are trying to deal with that problem, but it's not as easy as
24 making one or two decisions. It has to be made more of an
25 attractive job that people not only would like to get but

1 would like to keep.

2 I would also offer this to Your Honor, that retention
3 is a problem in every law enforcement job in America. On a
4 yearly basis, we have people coming here from Atlanta; from
5 Dallas; from Houston, Texas, trying to hire police officers.
6 Those type of issues with retention cycle all the way down to
7 somebody that's in a detention capacity.

8 So what I would just offer up is that we are making
9 every effort that we can. Because retention is important, it
10 also leads to some of these other issues that we're finding
11 ways to deal with through training, because our turnover goes
12 so fast that we don't have a lot of seasoned individuals
13 working on our detention staff.

14 So when certain officers that are brand new or haven't
15 been on the job but six or seven months get put in situations
16 where perhaps they are fearful of their own safety -- and I
17 will grant that training on when to use pepper spray, when not
18 to use pepper spray is something that we need to improve on.
19 But I would offer this to you, Your Honor, because this is the
20 most personal thing I can tell you: I've been in law
21 enforcement 30-plus years, and as you know, before I became --
22 before I came to this job, I was chief of the Jackson Police
23 Department.

24 Nowhere in my career, especially since I've been in a
25 command position, have I allowed, tolerated, condoned, failed

1 to take action on any officer that abused somebody that was
2 under their authority, whether or not they were an arrestee,
3 whether or not they were a detainee. I do not tolerate abuse.

4 So when officers are found to be in violation of rules,
5 regulations, policies, and procedures, you can take comfort,
6 sir, in the fact that they will be dealt with. Now, I may not
7 fire or discipline as many people as the monitors or the
8 Department of Justice think I should, but I would also say
9 this: We're going to treat people fairly and we're going to
10 hold people accountable. And we're going to make sure that
11 they do their job properly.

12 Thank you, sir.

13 THE COURT: Thank you, Mr. Vance.

14 Mr. Cheng, I'll hear you from before I think I'll be
15 ready to wrap up, and I think I got somewhat of a little plan
16 going forward.

17 MR. CHENG: Your Honor, let me just be clear. One
18 thing I don't think the defendants seem to recognize is in the
19 end, the monitors are here just to call it the way they see
20 it. It isn't their job to go into their motivations or try to
21 find all the excuses for not complying with the stipulated
22 order. There are very clear requirements in the agreement.
23 The monitors report what they found at any given moment in
24 time.

25 Now, what we choose to do with that is a different

1 question, and I think the idea that DOJ is being too harsh or
2 the monitors are being too harsh is a little ironic given how
3 much forbearance we've shown when I think, even by their own
4 admission, they're in violation of many provisions of the
5 stipulated order.

6 If you really break it down even further and go
7 through -- really go through each of the provisions, as you
8 asked the parties to do, that becomes even clearer when you
9 compare the actual deadlines for things that needed to be done
10 and when they often barely complied or in some cases didn't
11 comply at all.

12 And, again, just going back to the stipulated order,
13 just this one illustration, because I realize it's late in the
14 day, the very first item was due on February 16th, 2020:
15 Within 30 days, the County will retain an appropriately
16 credentialed corrections recruitment and retention consultant
17 with input from the monitor. The monitor at the time of this
18 report said they were in compliance. But as everyone has sort
19 of mentioned already, that person is already gone, because it
20 turned out the County was not prepared to proceed with this
21 person.

22 So there are multiple provisions in the stipulated
23 order that they then never complied with, and that was -- it's
24 just, like, a perfect illustration of how, no matter what they
25 say in court or what they represent, when you actually get

1 into the details, they are repeatedly in noncompliance. We
2 end up playing this game of whack-a-mole where the monitor
3 warns them to do something, they might take some steps, and
4 then they fail to follow through.

5 Now, Ms. Barker has indicated perhaps they need more
6 time, or, you know, the Court has suggested we give them more
7 time to respond to these reports or have more time between
8 status conferences. But as I mentioned during my original
9 remarks, a lot of the remedies they're talking about now are
10 things they literally did right before the status conference.
11 Taking scrutiny away from them is not going to make this move
12 faster. It will probably slow things down. Much of the
13 progress that has occurred that they've mention is stuff that
14 literally was adopted within this last couple weeks.

15 Again, going back to the stipulated order and some of
16 the stuff we talked about, the steam system and some of the
17 fire safety systems, they've literally just adopted the
18 remedies. As Mr. Gaylor himself said, they contracted to do
19 some of these reforms. They haven't actually implemented
20 them. Now, that sounds great for the purposes of the status
21 conference, but when you look at the stipulated order and the
22 remedies and the notice that they had about these problems,
23 they've known about these problems since before the last
24 status conference.

25 I noticed that Mr. Farr, for example, is here. I'm not

1 sure if anyone from Benchmark is here. Benchmark gave them a
2 punch list of fire safety and life safety issues in November
3 of 2020. So for our purposes, yes, Your Honor, we need to pay
4 attention to what's going on in that jail and what's happening
5 to the inmates. We need to worry about the safety of the
6 inmates.

7 We are trying to strike that fine balance between
8 aggressively forcing the jurisdiction to do what it needs to
9 do while at the same time recognizing there are real issues,
10 like COVID, like the difficulties of just developing a master
11 plan. But, you know, I don't think if we go into denial about
12 what's going on, that's going to help things. What we need is
13 for the leadership to actually show as much commitment to
14 making strategic plans and reforms that they say they're
15 willing to do in the status conference. We need to see that
16 when the judge isn't here.

17 THE COURT: Some judges have done some innovative
18 things with respect to these sort of consent decrees. When
19 there's been overcrowding, for example, in prisons they've
20 ordered the release of prisoners. *Brown versus Plata*, I think
21 it is, and some others.

22 I know the County would not want this Court to even
23 consider the idea of saying that people will have to be tried
24 or go to trial within 270 days or be released, because if
25 these conditions persist, I don't know what the Court will be

1 left with. It's a range of things, I'm sure, before that.

2 But if these conditions persist and they've been -- I
3 go back to this case -- Mr. Cheng, you can tell me. I don't
4 know. I wasn't here at the beginning, so I don't know how
5 long DOJ did its investigation prior to filing suit. I
6 generally know the process and I know generally DOJ weighs in
7 and investigates, investigates, works, works, works. I have
8 the mental health case, and I know that that's what they did
9 before filing suit. And everything all collapsed, and then
10 the suit was filed.

11 This suit was filed in 2016. How long was DOJ on the
12 ground looking at this -- at the facilities prior to that,
13 Mr. Cheng? Do you know?

14 MR. CHENG: My memory isn't great on this issue. I
15 think it's at least two or three years beforehand.

16 Mr. Parrish actually on part of the original investigation
17 team. I can actually pull it up and probably determine when
18 if you can give me just a minute, Your Honor.

19 MR. PARRISH: Chris, I did my first investigation and
20 report in 2014, and then I did a supplement in 2015.

21 THE COURT: Okay. 2014 with the lawsuit being filed in
22 2016, and I know there's been a lot of differences in what the
23 County looks like with respect to members of the Board of
24 Supervisors and even the sheriff's department over the period
25 of the time and other employees who report up and down.

1 County administrator, county attorneys, I know it all has
2 changed.

3 But there's one thing: Every one of them had an
4 obligation to make sure that that suit was either defended,
5 and once it was settled, that the settlement was implemented.

6 Now, Ms. Barker mentioned the idea I think sort of
7 taken from a comment Mr. Cheng made -- and I apologize if I
8 keep saying your name in different ways, Mr. Cheng -- but do
9 the parties think that this agreement could be carved out in
10 chunks and devote a particular time to a particular chunk?
11 And if so, what chunk is more important than the next chunk?

12 I mean, is that something DOJ could think about with
13 the parties or -- I heard it from Ms. Barker. I didn't hear
14 from Mr. Gaylor, but I'm asking DOJ first.

15 MR. CHENG: Your Honor, that is actually one of the
16 things we're taking into serious consideration. Ms. Barker
17 brought it up. We are trying to figure out if there ways to
18 do it. One of the concerns is that the stipulated order was
19 itself in small chunks, and given the difficulties of getting
20 it implemented, is it enough to just do it with a stipulated
21 order again? But that is actually one of the things we are
22 receptive to and we're thinking about.

23 I should also mention the first findings letter -- I
24 just looked it up -- was actually in 2015. So the initial
25 investigation when we notified jurisdictions of our initial

1 findings, that would have been in 2015. So, yes, this matter
2 has been going on for a while.

3 In terms of the idea of prioritizing remedies, one of
4 our concerns is that it really isn't up to the monitors or
5 even DOJ to say here are the five little things you should do
6 this week or next week or next month. If we do that, we are
7 going to end up micromanaging the facility, and that itself
8 can be problematic.

9 Some of these types of decisions really require the
10 leadership of the jail to decide how they want to get to where
11 they need to go. We can give them the benchmarks and sort of
12 the big items, but they still need to get into the details
13 themselves and deal with it.

14 So, for example, if we say write up a policy, but we
15 can't get the jail to send anyone to a meeting to talk about
16 policies, we could have a thousand stipulated orders. It's
17 not going to go anywhere. And so the only way people are
18 going to take those types of benchmarks seriously is if the
19 leadership of the County and of the sheriff's department
20 really push their people to do what needs to be done.

21 Now, it's possible they're doing it, and we just don't
22 see it. But oftentimes we don't hear about things until the
23 last second. So, for example, the board today talked about
24 trying to build the jail in three phases. Today was literally
25 the first time we heard about it. We have been asking about

1 what they're going to do with the master plan and which option
2 they're going to adopt since the master plan was issued. We
3 talked about it at the last status conference. Presenting it
4 today is not helpful. I mean, if this is something that
5 they're really going to do, it could be a great idea. It
6 could be something we could work out. It's something that
7 would alleviate any concerns about contempt, but it's
8 something that needed to be brought with us and brought to the
9 monitors much earlier on.

10 MR. GAYLOR: Your Honor, if I may?

11 THE COURT: Yes, you may, Mr. Gaylor.

12 MR. GAYLOR: First with regard to the notion that we
13 have been planning a new facility, it has been brought to the
14 monitor's and everyone's attention some time ago when we first
15 got the lease from the Jackson Public School District to be in
16 close conjunction with Henley-Young. I'm sure that they'll
17 have to recall several conversations we had during monitor's
18 visits, *et cetera*, with regard to that area and the -- and the
19 types of facilities we would build in that area. We talked
20 about it quite a bit, actually.

21 But nevertheless, that being said, I do agree with the
22 notion that we should be able to split this into several
23 parts, if possible. And, again, from a maintenance
24 standpoint, your County has devoted a large amount of
25 resources to attempting to make things safe down there, and we

1 will continue to do so as issues come about, because we know
2 that as we do repair things -- I think it has been brought out
3 even today, the repairs that have been made to C-Pod, there
4 are some of those that have come into disrepair again. And so
5 we'll continue to try and patch this facility as long as we
6 have to. As long as we've got detainees and residents there,
7 we'll continue to do our part for upkeep on our building.

8 THE COURT: Okay. We're about to get this all wrapped
9 up for today's purposes, I think.

10 I'm going to ask the parties to talk to each other
11 about how you might think -- when I say "the parties," this
12 includes the monitors with y'all. How do you think we might
13 continue to move forward?

14 And we're going to come back on April the 28th --
15 that's a Wednesday -- at 10:00 a.m. So I imagine there's
16 going to be a lot of talk about everything that's going to be
17 done between now and the 28th.

18 I'm not suggesting that I'm messing with the stipulated
19 order at all, and we may continue to do what we're doing. But
20 I'm getting the impression that DOJ is -- and this is no
21 criticism of DOJ and the monitors or anybody, that you're
22 basically on the treadmill. We're not getting where we need
23 to -- we're not getting to the point where we need to be.

24 If I were to set a -- the next status conference
25 60 days from now, I get the sense that we will feel like we

1 have simply treaded water for the next 60 days, and right up
2 to the point maybe there were some more things that was done.
3 Maybe we'll get more policies and procedures in place.

4 But I want to meet back with the parties on the 28th to
5 find out what you-all have talked about as far as how we're
6 going to make this thing work. There would -- obviously by
7 that time, I assume the application process for the treatment
8 facility person or whatever these job vacancies announcements
9 will have -- I don't know if it will have concluded, but I
10 will be able to get some affirmation that it's been done.
11 I'll know how many more inmates -- not inmates. Excuse me. I
12 will know how many more COs have been hired, how many have
13 been fired, how many of them have quit.

14 I understand, Mr. Vance, it's tough to keep people here
15 at 8, 10, 12, 14, I don't know, dollars an hour or whatever
16 you might be paying when the next person over might be paying
17 more than that. And I don't think it's 12 or \$14 an hour. I
18 don't know what you're paying.

19 But I will say this: I have gone into public places
20 and I have seen the vacancy announcements or the job
21 announcements, I think, that you've authorized to be posted in
22 places saying -- and I've heard the radio announcements on the
23 radio, we're hiring correctional officers. But I'm going to
24 put a pin in it for right now for us to come back on
25 April 28th at 10:00 a.m. Oh, I'm sorry. I'm sorry. We

1 have -- COVID interferes with my ability to set things on my
2 own.

3 So it will have to be the afternoon, you say,
4 Ms. Summers?

5 MS. SUMMERS: Yes, sir.

6 THE COURT: Okay. Thank you. We'll do it at 1:30 on
7 the 28th. I want to do it before the end of the month, and I
8 just want to hear what y'all say, how we chart a path forward,
9 because the path that we're on is not the -- may not be the
10 right one. It may be, but it may not be the right one. If
11 it's not the right one, we need to figure out how do we get a
12 path that's appropriate for everybody.

13 Hopefully by then the Department of Justice --
14 hopefully by then there will be some -- there will have been
15 some communication from DOJ -- I understand we can't make the
16 State of Mississippi come in because they're not a party, but
17 I think we can request information from them with respect to
18 this suit and ask them to give us information that they would
19 have some control over.

20 They know, for example, whether or not they've
21 inspected the facility, and there are probably reports out
22 there that are public of particular inspections of public
23 bodies. In fact, one public thing that is used quite often --
24 I don't even know if there's a grand jury report, for example,
25 of Hinds County. Part of what a grand jury does is

1 investigate public facilities, and I don't know if the grand
2 jury has ever been taken into the jail to sort of make any
3 particular findings. That is something that can be done.

4 So I'm just going to leave you with the hope that you
5 could figure out a path forward for us all. I realize it's
6 late on this evening. We've gone far longer than what we
7 intended, I would imagine, but I thank you for your patience.
8 I understand you have heard my concerns, and I'm going to
9 continue to be concerned so long as those pretrial
10 detainees -- and I cannot overemphasize that point.

11 MR. GAYLOR: Your Honor?

12 THE COURT: You know, the public understands -- sees
13 these people as inmates. These people are detainees, and they
14 have the presumption of innocence, and some of them don't even
15 belong there because they are the misidentified person, the
16 totally innocent persons, and some of them just don't even
17 deserve to be in there. But to the effect that they are
18 there, we need to make sure that they're protected.

19 Mr. Gaylor, did you have something?

20 MR. GAYLOR: Yes, Your Honor. Just for clarification,
21 are there any particular areas of the stipulated order you
22 want us to address prior to the 28th?

23 THE COURT: Not really. Not really. I want the
24 parties to talk. That's what I want to do. Because the
25 parties disagree in what the monitor has filed on the docket.

1 I mean, you know there's disagreement with respect to even
2 that. But I want the parties to talk, and we're going to come
3 back together and we're going to see if -- and I'm not
4 suggesting that there ought to be -- if the path forward can
5 be refined in some way. I'm not suggesting there ought to be.

6 But I just want to stop where we are today, so that
7 you-all can go home for your weekend and have a great weekend
8 and all of that. And start thinking about how to get things
9 better down there, because things are not where they ought to
10 be; that's for sure.

11 With that said, I have nothing further.

12 Does either party or monitors have anything else?

13 Okay. Thank you. I really appreciate your time and
14 your attention today. Court is adjourned.

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COURT REPORTER'S CERTIFICATE

3 I, Candice S. Crane, Official Court Reporter for the
4 United States District Court for the Southern District of
5 Mississippi, do hereby certify that the above and foregoing
6 pages contain a full, true, and correct transcript of the
7 proceedings had in the forenamed case at the time and place
8 indicated, which proceedings were stenographically recorded by
9 me to the best of my skill and ability.

10 I further certify that the transcript fees and format
11 comply with those prescribed by the Court and Judicial
12 Conference of the United States.

13 THIS the 23rd day of April, 2021.

/s/ Candice S. Crane, R.R. C.R.

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